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U. S. DEPARTMENT OF AGRICULTURE.
FOREST SERVICE.
HENRY S. GRAVES, Forester.

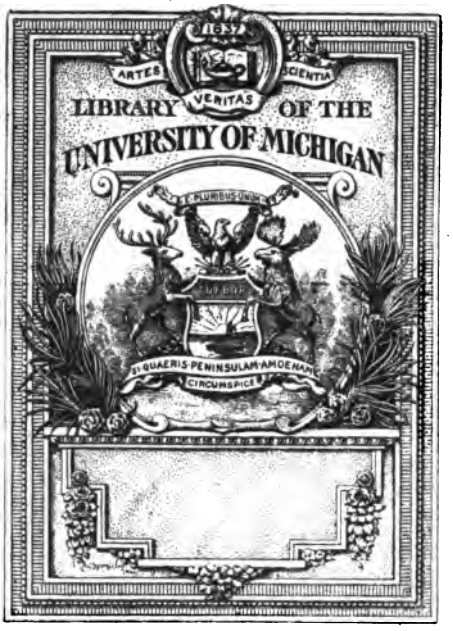
THE NATIONAL FOREST MANUAL.

REGULATIONS OF THE SECRETARY OF AGRICULTURE AND INSTRUCTIONS TO FOREST OFFICERS RELATING TO WATER POWER (ACT OF FEBRUARY 15, 1901) AND TELEPHONE, TELEGRAPH, AND POWER TRANSMISSION LINES (ACT OF MARCH 4, 1911).

ISSUED BY THE SECRETARY OF AGRICULTURE TO TAKE EFFECT FEBRUARY 21, 1913.

WATER POWER, TELEPHONE, TELEGRAPH, POWER TRANSMISSION LINES.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913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ISSUED BY THE SECRETARY OF AGRICULTURE TO TAKE EFFECT FEBRUARY 24, 1913.

WATER POWER, TELEPHONE, TELEGRAPH, POWER TRANSMISSION LINES.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by $500 fine or 12 months' imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States. (Act of June 4, 1897, 30 Stat., 11.)

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THE NATIONAL FOREST MANUAL.

REGULATIONS.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C.

By virtue of the authority vested in me by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), and by the act of Congress of March 4, 1911 (36 Stat., 1253), I, James Wilson, Secretary of Agriculture, do make and publish the following regulations for the occupancy and use of the National Forests for purposes of power development and utilization, and for telephone, telegraph, and power-transmission lines, the same to supersede all previous regulations for like purposes, and to be of force and effect from the date of this order, and to constitute a part of the Use Book.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 24th day of February, 1913.

[SEAL.]

JAMES WILSON,
Secretary of Agriculture.

WATER POWER, ACT OF FEBRUARY 15, 1901.

Reg. L–1. Preliminary power permits will allow the occupancy of the lands of the United States within National Forests, hereinafter called "National Forest lands," for the purpose of securing the data required for an application for final permit and for such construction as may be necessary to preserve water appropriation during that period. Final power permits will allow the occupancy and use of such lands for the construction, maintenance, and operation thereon of project works for the development, transmission, and use of power. Preliminary or final permits for power sites of a total capacity in excess of one hundred (100) horsepower will be granted, extended, and renewed only by the Secretary of Agriculture, hereinafter called "the Secretary." Permits for transmission lines (except such as are included in a general power permit) will be granted, extended, and renewed by the Forester. Permits for power sites of a total capacity of one hundred (100) horsepower or less will be granted, extended, and renewed by the district forester. The Secretary alone may revoke power permits.

Reg. L–2. Application for preliminary or final permits for occupancy or use of lands of the United States should be submitted as follows:

For National Forest lands: To the district forester of the district in which the lands are situated.

For lands of the United States which are outside the National Forests: To the local land office of the land district in which the lands are situated (unless otherwise directed by the regulations of the Department of the Interior).

For lands in part National Forest lands and in part lands of the United States outside the National Forests: In the same manner as for National Forest lands, but the applicant shall also submit to the local land office in the land district in which the lands outside the National Forests are situated such maps and papers and copies thereof as are required in the regulations of the Department of the Interior.

Reg. L–3. Priority of consideration of applications for final power permits shall be initiated in the order of filing complete applications, whether such applications be for preliminary permits as prescribed in Regulation L–10 or for final permits as prescribed in either Regulation L–11 or Regulation L–12. If a preliminary permittee shall file such complete application for final permit before loss of priority initiated by the application for preliminary permit, the priority so initiated shall be maintained by the application for final permit and be effective as of the date of the application for the preliminary permit. Priority shall be maintained, however, only in so far as the projects shown in the application for final permit are within the approximate limits of diversion and discharge as shown in the application for the preliminary permit. Priority initiated or maintained by an application for final permit shall be lost if the applicant fails to make the payment required and to return a duly executed stipulation as prescribed in Regulation L–14 or in Regulation L–15 within 90 days from a date fixed in the letter transmitting such stipulation to him, unless a longer time is allowed by written authority of the Secretary. Priority initiated by an application for preliminary permit shall be lost (1) if the initial payment is not made within 60 days of demand therefor, or (2) if the application for final permit is not filed within the time required in the preliminary permit. Priority initiated or maintained by an application for a permit shall be lost if the permit is revoked. No other application, either preliminary or final, for a like use covering in whole or in part the same or adjacent lands will be accepted from the permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee, and if the permittee is a corporation, to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed as provided in this regulation.

Reg. L–4. Final permits will be issued only in case it appears that the proposed occupancy and use will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No final power permit will be issued if the works to be constructed thereunder will in any way interfere with works operated or constructed or to be constructed under an existing final power permit. No final power permit will be issued

for the construction of works within an area covered by a prior preliminary permit until after the filing of final application or the loss of priority by the prior preliminary permittee. Applications for final power permits involving in whole or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given, in the discretion of the Secretary, to the financial ability and business connections and affiliations of the applicants. Successive preliminary permits may be issued covering the same power site, but in each successive preliminary permit it shall be specified that such permit is subordinate to all outstanding prior permits and shall not adversely affect any rights thereunder.

Reg. L–5. The applicant must file the evidence of initiation of water appropriation as in these regulations hereafter required. Thereafter no protest against the issuance of a permit, if based solely upon alleged lack of water rights, will be considered; nor, in general, will any allegation that the time of beginning or completion of construction has been or is delayed by litigation over water rights be accepted as a sufficient reason for granting any extension of time. Wherever the approval of a local administrative board or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must be filed with the district forester before a final permit will be issued.

Reg. L–6. Unless sooner revoked by the Secretary, a final power permit shall terminate at the expiration of 50 years from the date of the permit. If, however, at any time not less than 2 or more than 12 years prior to the termination of the permit the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of National Forest lands for power purposes, the existing permit will be considered as an application for such new permit.

Reg. L–7. The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation, where any such purpose is directly pursued by the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom,

any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by final permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by preliminary and final permits prior to the operation period.

"Nominal stream flow" means the sum of (*a*) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof, and (*b*) the stream flow made available from storage not by the project works.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the continued product of (1) the factor 0.08;[1] (2) the average effective head, in feet; (3) the stream flow estimated to be available at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works considered as the sum of (*a*) the nominal stream flow and (*b*) stream flow made available from storage by project works; and (4) a factor not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available, and based on the extent of fore-bay storage and the load factor of the power system.

"Rental capacity of the power site" means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site.

(*a*) Whenever power projects include water-conduit sites not wholly on National Forest lands a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not National Forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit (from intake to tail-race outlet) by the per cent of the length of said conduit which is not located on National Forest lands.

(*b*) Whenever power projects include reservoir sites not wholly on National Forest lands a deduction will be made from that part of the total capacity of the power site which is due to the use of stream flow made available from storage by the project works. This

[1] The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

deduction will be the per cent of the total area of the reservoir sites that is not National Forest land.

(*c*) From the total capacity of the power site which remains after deductions (*a*) and (*b*) have been made will be made a further deduction which, in per cent, shall be the product of the square of the distance of primary transmission in miles and the factor of 0.001, but in no case shall deduction (*c*) exceed 25 per cent.

Reg. L–8. The occupancy and use of National Forest lands (otherwise than by transmission lines) under a preliminary or final power permit for power sites of more than 100-horsepower total capacity (except permits to municipal corporations for municipal purposes, or for irrigation, or for temporary construction of project works as in this regulation hereafter specified) will be conditioned on the payment in advance for each calendar year of a rental charge calculated from the "rental capacity of the power site," as defined in Regulation L–7, at the following rates per horsepower per year, unless otherwise ordered by the Secretary:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period	$0.10
For the second full calendar year of each of said periods	.20
For the third year	.30
For the fourth year	.40
For the fifth year	.50
For the sixth year	.60
For the seventh year	.70
For the eighth year	.80
For the ninth year	.90
For the tenth and each succeeding year	1.00

The occupancy and use of National Forest lands by transmission lines, except only where such lines are owned and operated by a municipal corporation for municipal purposes, or are part of a power project under permit, or are to be used temporarily in the construction of project works under permit issued to the same permittee, will be conditioned on the payment in advance for each calendar year of a rental charge of five dollars ($5) for each mile or fraction thereof, unless otherwise ordered by the Secretary.

The rental charges on account of a preliminary power permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting such permit. The rental charges on account of a final power permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting said final permit, provided that said estimated rental capacity may be adjusted by the Secretary (*a*) to provide for changes made during construction, (*b*) annually to provide for changes in ownership of lands in reservoir sites and on water-conduit lines, and for changes in length of primary transmission, (*c*) to provide for changes in nominal stream flow whenever such flow is increased or decreased because of additional storage or otherwise; or (*d*) whenever not less than ten (10) years after the determination of the last preceding estimated value thereof, the permittee shall apply for or the Secretary give notice of a redetermination of the rental capacity of the power site.

The first payment by every permittee shall be the charge for a full year, but any excess of said payment over the pro rata charge for the

unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year.

All payments made for the survey-construction period will be credited to the permittee for the cancellation of charges as they become due in the operation period.

No rental charge will be made for the occupancy and use of National Forest lands under a preliminary or final power permit (except as hereinbefore provided for transmission lines) authorizing such occupancy and use by municipal corporations for municipal purposes, or by other permittees for irrigation as auxiliary to irrigation works owned and operated by the permittees, or for the temporary development of power to be used in the construction of permanent project works under permit issued to the same permittees. Whenever a power project is not used exclusively for the purposes above named, such a proportional part of the full schedule charge for any calendar year will be credited to the permittee as the power developed by the project works and used for the purposes above named bears to the total output of the project works for said year. All amounts so credited will be applied to the cancellation of charges as they may thereafter become due.

If all or any part of the amounts due for rental charges as required in the preliminary permit shall, after due notice has been given, be in arrears for 60 days, then and thereupon the preliminary permit shall terminate and be void without revocation by the Secretary. If all or any part of the amounts due for rental charges, as required in the final permit, shall, after due notice has been given, be in arrears for six months, then and thereupon the final permit shall terminate and be void and will be formally revoked by the Secretary.

At any time not less than 10 years after the issuance of final permit or after the last revision of rates of rental charges thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper: *Provided*, That such rental rates shall not be so increased as to reduce the margin of income (including appreciation in land values) from the power project under premit, over proper actual and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession) is unreasonably small, but the burden of proving such unreasonableness shall rest upon the permittee.

The decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or rentals depends.

Reg. L–9. All applications for power permits, whether preliminary or final, to occupy and use National Forest lands under these regulations shall be filed with the district forester of the district in which the lands are situated and shall, if the applicant be an individual, contain a sworn statement that he is a citizen of the United States. If the applicant is an association of citizens, the application shall contain a sworn statement that each member is a citizen of the United States. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

If the applicant is an incorporated company its application must be accompanied by the papers below in this regulation specified:

(A) A copy of its articles of incorporation, duly certified to by the officer of the State having custody of the original thereof.

(B) When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(C) A true list, signed by the secretary, under the seal of the company, showing the names and designations of its officers and directors at the date of the filing of the items by this regulation required.

Reg. L–10. All applications for preliminary permits to occupy and use National Forest lands for the purpose of securing the data required for an application for final permit for power projects of more than 100 horsepower total capacity shall consist of the following items (in addition to those specified in Regulation L–9), each of which shall be dated and signed by the applicant:

(D) An application in triplicate, on Form 58.

(E) A map on tracing linen, and three print copies, cut to a uniform size and not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with scale so selected as to show upon a single map the power project or projects applied for, showing the approximate location of the dams, reservoirs, conduits, power houses, and other project works. The map shall show: For each reservoir site, the distance and bearing of one extremity of the dam from the nearest existing corner of the public survey and approximately the position of the maximum flow line; and for each water-conduit line, the distance and bearing of each terminus from the nearest existing corner of the public survey and the approximate location of the water conduit. If on unsurveyed land, the distances and bearings may be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

(F) Estimates in triplicate for each power project of (1) the total average effective head to be utilized, and the per cent thereof to be obtained from dam and water conduit, respectively; (2) the stream flow, and the per cent thereof to be made available from storage by the project works and by other works, respectively; (3) the area to be flooded by back water from the diversion dam; (4) the length of the proposed water conduit (from intake to tailrace outlet); (5) the area and available capacity of each proposed storage reservoir; (6) the probable load factor of the power system; and (7) the distance, in miles, of proposed primary transmission.

These estimates should be accompanied by complete statements in detail of all data on which they are based, including stream measurements, rainfall, stream flow and evaporation records, drainage areas, probable points of delivery of power, and any other pertinent information.

(G) A duly certified copy of such notice or application, if any, as is required to be posted or filed, or both, to initiate the appropriation of water under the local laws. This notice or application should provide for use, by the applicant for a power permit or by his

predecessors, of sufficient water for the full operation of the project works.

Application must be made for the occupancy and use of such lands for a definite, limited period only, which period will allow a reasonable time for the preparation and filing of the final application as prescribed in Regulation L–11. The time prescribed in the preliminary permit may upon application be extended by the Secretary if the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen or by some special or peculiar cause beyond the control of the permittee.

An application for a preliminary power permit shall not be complete until every map or paper required by Regulation L–9 and by this regulation shall have been filed in the form prescribed.

Reg. L–11. All applications for final permits to occupy and use National Forest lands for power projects of more than 100 horsepower total capacity shall consist of the following items (in addition to those specified in Regulation L–9):

(D) An application in triplicate on Form 60.

(E) Maps of location and plans of structures on tracing linen, with three print copies cut to uniform size not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with graphical scale not less than 6 inches in length drawn thereon. Separate sheets shall be used for maps of location whenever the whole survey can not be shown upon a single sheet.

(1) The following maps and plans shall be sumbitted for each reservoir that will be a part of the power project or projects applied for: (*a*) A contour map of each reservoir site, dam, and dam site on a scale of not more than 400 feet to the inch, with a contour interval of not more than 10 feet. The contour map for each reservoir site shall show the high-water flow line and in case the reservoir is to be used in whole or in part for diversion purposes, the flow line fixed by the estimated average effective head, and also a table of areas and capacities for each flow line and each contour line. (*b*) A cross section of each dam site along the center line of the proposed dam, with a graphical log properly located thereon of each boring, test pit, or other exploration, and a brief statement of the character and dip of underlying material. (*c*) Plans, elevations, and cross sections of the dams, showing spillways, sluiceways, or sluice pipes, and other outlet works; and also a statement of the volume of the dam, the character of the materials used, and the type of construction.

(2) The following maps and plans shall be submitted for the entire length of each water conduit, from intake to tailrace outlet, that will be a part of the power project or projects applied for: (*a*) A contour map and profile of the entire water-conduit location on a scale of not more than 400 feet to the inch, with contour interval of not more than 10 feet. The contours shall cover either an area of 100 feet in width on each side of the center line of the water conduit or a difference in elevation of at least 25 feet above and below the grade line of the conduit. This map shall show the transit line of the survey and the center line of the proposed final location of the water conduit, including curves between tangents. This map shall also show what sections of the water conduit will be in flume, ditch, tunnel, pipe, etc., and the grade of each section. (*b*) Plans,

elevations, and cross sections of each type of water conduit, showing material, dimensions, grades, flow line, and capacity and plans and elevations of intake works and fore bays.

(3) A contour map on a scale of not more than 50 feet to the inch, with a contour interval of not more than 5 feet, showing the proposed location of the power house, other buildings, etc., shall be filed for each power-house site that will be a part of the power project or projects applied for. This map shall also state the proposed type and estimated number and rated capacity of the water wheels and generators to be used.

(4) A map of the survey of the proposed final location of the center line of the transmission line, on a scale of not more than 1,000 feet to the inch, shall be filed for such portions of transmission lines as are located upon National Forest lands.

(5) A general map of the entire power project or projects applied for (except transmission lines), on such a scale that the entire survey may be shown upon a single sheet; also a similar map showing the entire primary transmission system.

(F) Copies of field notes in triplicate of the entire final location survey of water conduits, and transmission lines, the exterior boundaries of power-house and reservoir sites, and all reference lines to public-land corners.

(G) Estimates in triplicate for each power project of (1) the total average effective head to be utilized, and the per cent thereof to be obtained from dam and from water conduit, respectively; (2) the stream flow, and the per cent thereof made available from storage by the project works and by other works, respectively; (3) the area to be flooded by the dam below the flow line fixed by the estimated average effective head; (4) the length of the proposed water conduit (from intake to tailrace outlet); (5) the area and available capacity of each proposed storage reservoir; (6) the available storage capacity of fore bays (or diversion pond); (7) the probable load factor of the power system, and (8) the distances in miles of primary transmission.

These estimates should be accompanied by complete statements in detail of all data on which they are based, including stream measurements, rainfall, stream flow, and evaporation records, drainage areas, total static head and losses in head, probable maximum, minimum, and average power output, load curves of the power system, efficiencies of machinery, probable points of delivery of power, and all other pertinent information.

(H) Such evidence of water appropriation as is specified in Regulation L–10 (G). If such evidence has been filed with an application for a premliminary permit, only such additional evidence, in general, will be required as will cover appropriations or transfers subsequent to the date of the evidence filed with the application for preliminary permit. But wherever the approval of a local administrative board or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must also be filed with the application for final permit.

(I) A detailed statement in triplicate by the applicant of the time desired for making financial arrangements, for completing prelimi-

nary construction, and for beginning "construction of the project works," as defined in Regulation L–7.

(J) The application shall be accompanied by an affidavit of the applicant's engineer and a certificate of the applicant (see pp. 31 and 32). Affidavits and certificates will not be placed upon maps, plans, and other exhibits, but will be filed as separate exhibit.

The maps and field notes shall show reference lines to initial point of survey, to termini of water conduits, and to termini of transmission lines (when within a National Forest, or not more than 2 miles outside its exterior boundary measured along the transmission line). The maps and field notes shall also show the intersection of the survey line with the lines of public-land subdivision and with boundaries of National Forests and other reservations of the United States.

The termini of water conduits, the termini of transmission lines, the intersections with boundaries of reservations of the United States, and the initial point of survey of power-house sites shall be fixed by reference by course and distance to the nearest existing corner of the public survey. The initial point of the survey of reservoir sites shall be fixed by reference by course and distance to the nearest existing corner outside of the reservoir by a line or lines not crossing an area that will be covered with water when the reservoir is in use. When any such terminus, intersection, or initial point is upon unsurveyed land, it shall be connected by traverse with an established corner of the public survey, and the distance from the terminus, intersection, or initial point to the corner shall be computed and noted on the map. When the nearest established corner of the public survey is more than 2 miles distant, this connection may be with a permanent mark on a natural object or a permanent monument which can be readily found and recognized. The field notes shall give an accurate description of the natural object or monument and full data of traverse as required above. The intersections of the survey lines with section lines of the public-land survey shall be referenced by course and distance to the nearest existing corner along the section lines intersected. If no corner can be found within a half mile of the survey line, the fact may be noted on the map and in the field notes, and the reference omitted. The maps shall also show all lines of public-land subdivisions by official survey; the protractions on unsurveyed land of section and township lines, such protractions in any National Forest to conform to the diagram accompanying the proclamation establishing the boundaries of such National Forest; and the status as to ownership of all lands of the power project or projects, designating separately lands patented, lands of the United States entered or otherwise embraced in an unperfected claim under the public-land laws, unreserved lands of the United States, and, separately for each reservation, lands included within National Forests and other reservations of the United States. Elevations and contour lines shall be based on United States Geological Survey datum whenever available.

Each separate original map, plan, set of field notes, estimates and data, evidence of water appropriation, articles of incorporation, etc., shall be plainly marked "Exhibit A," "Exhibit B," etc., respectively, and referred to by such designation in the application. Maps and plans shall in addition be described in the application by their titles as "Exhibit A, map of location of," etc., "Exhibit B, plan of,"

etc. Duplicate and triplicate copies, etc., should be marked "Exhibit A, duplicate," "Exhibit A, triplicate," etc. Maps should be rolled for mailing, and should not be folded.

An application for final permit shall not be complete until every map or paper required by Regulation L–9 and by this regulation has been filed in the form prescribed.

Reg. L–12. No applications will be received for preliminary permits for the occupancy and use of National Forest lands for power projects of 100 horsepower total capacity or less. Applications for final permits for such occupancy and use shall be in writing, dated, and signed by the applicant, and, in addition to the items specified in Regulation L–9, shall be accompanied by:

(D) Maps showing the location of dams, reservoirs, conduits, power houses, and transmission lines or other works.

(E) Field notes of the survey in triplicate.

(F) A statement in triplicate of the amount of water to be diverted for use, the maximum capacity of the diversion works, and the total average static and effective heads to be utilized.

(G) Such showing as is specified in Regulation L–11 (H).

The map shall consist of one original on tracing linen and three print copies, and shall not be larger than 28 by 40 inches or smaller than 24 by 36 inches, and may be on any convenient scale. The map shall show the status as to ownership of all lands in the power project, designating separately lands patented, lands of the United States entered or otherwise embraced in any unperfected claim under the public-land laws, unreserved lands of the United States, and, separately for each reservation, lands included in National Forests and other reservations of the United States. The map shall also show: For each reservoir site, the distance and bearing of the initial point of survey from the nearest existing corner of the public survey, the location of the maximum-flow line, and the area and available storage capacity of the reservoir; for each water-conduit line, the distance and bearing of each terminus from the nearest corner of the public survey, the location of the center line of the conduit, its length, and the intersections of the center line with the section lines of the public-land survey and boundaries of National Forests and other reservations of the United States; and for each power-house site, the distance and bearing of the initial point of survey from the nearest corner of the public survey, the location of the exterior boundaries of the site, and the area. If on unsurveyed land, the distances and bearings may, if the nearest existing corner of the public survey is more than 2 miles distant, be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

Reg. L–13. Before a final power permit will be issued the permittee shall execute and file a stipulation, which, upon its approval, shall constitute and express the conditions of the permit. Such stipulation shall expressly bind the applicant to such of the items enumerated in Regulation L–14 and other such conditions as may be required.

Reg. L–14. In so far as applicable to the specific occupancy and use under permit, the occupancy and use of National Forest lands for power purposes will be permitted upon the following conditions,

and not otherwise; and these conditions shall also apply to all existing permits, in which the occupancy and use of National Forest land is conditioned upon the compliance by the permittee with the regulations of the Secretary as at any time existing. In general such conditions will be embodied in a stipulation to be signed by the applicant, but whether so embodied or not, and in so far as applicable, the permittee will be bound:

(A) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the final application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved. (See Reg. L–16.)

(B) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter to diligently and continuously prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(C) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit.

(D) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(E) To pay annually, in advance, such rental charges as may be fixed and required by the Secretary under these regulations. (Reg. L–8.)

(F) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of power developed by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amount of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(G) That the books and records of the permittee, in so far as they contain information concerning the power project or projects under permit and the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(H) On demand of the Secretary to maintain a system of accounting of the entire power business conducted in connection with the power project or projects under permit in such form as the Secretary may prescribe or approve, which system as far as is practicable will be uniform for all permittees, and to render annually such

reports of the power business as the Secretary may direct: *Provided, however*, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this clause.

(I) To protect all Government and other telephone, telegraph, and power transmission lines at crossings of and at all places of proximity to the permittee's transmission line in a workmanlike manner according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain transmission lines in such manner as not to menace life or property.

(J) To clear and keep clear all lands of the power project for such width and in such manner as the Forest officers may direct.

(K) To dispose of all brush, refuse, or unused timber on National Forest lands resulting from the construction and maintenance of the project works, as may be requested by the Forest officers.

(L) To build and repair roads and trails as required by the Forest officers, or other agents of the United States, whenever any existing roads or trails are destroyed or injured by the construction work or flooding under permit; and to build and maintain necessary and suitable crossings for all roads and trails which intersect the water conduit, if any, constructed, maintained, or operated under permit.

(M) To do everything reasonably within the power of the permittee, its employees, contractors, and employees of contractors, both independently and on request of the Forest officers, or other agents of the United States, to prevent and suppress fires upon or near the lands occupied under permit.

(N) To pay the full value, as fixed by the district forester, of all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the project works.

(O) To pay the United States full value resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(P) To indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the permittee.

(Q) To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this clause shall be construed to require the permittee to increase permanent works or to install additional generating machinery.

(R) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

(S) Upon demand therefor in writing from the Secretary to surrender the permit to the United States or to transfer the same to such

State or municipal corporation as the Secretary may designate, and on the conditions specified in this paragraph; also to give, grant, bargain, sell, and transfer with the permit (upon such demand and upon said conditions) all works, equipment, structures, and property then owned or held and then valuable or serviceable in the generation, transmission, or distribution of electrical or other power, and which are then dependent in whole or in part for their usefulness upon the continuance of the permit, together with all interest in any leaseholds of operating property used in connection with the works under permit, and all contracts for the sale and delivery of electrical or other power. The Secretary may require such surrender if the United States shall desire to take over the permit and properties, or whenever a substantial part of such property is situated elsewhere than on National Forest lands he may designate as such transferee any State or municipal corporation which shall desire such transfer: *Provided, however*, That no municipal corporation shall be so designated unless by condemnation it shall have acquired, or unless by proceedings in a court of competent jurisdiction it shall have been determined that such municipality has the right to acquire, such property situated elsewhere than on National Forest lands: *And provided further*, That no such municipal corporation shall be so designated unless it also has the power to acquire the said property and rights of the permittee in accordance with the following conditions. Such surrender or transfer shall be on condition precedent that the United States or such transferee shall first pay to the permittee the reasonable value of all said works, equipment, structures, and other tangible property, and in addition thereto a bonus of three-fourths of 1 per cent of such reasonable value for each full year of the unexpired term of the permit. Such reasonable value shall not include any sum for any permit, franchise, or right granted by the United States, by any State, or by any municipal corporation in excess of the amount (exclusive of any tax or annual charge) actually paid to the United States or to such State or municipal corporation as the compensation for the granting of such permit, franchise, or right, or any sum for any other intangible properties or values whatsoever, it being the intent of this paragraph that all such intangible values shall be covered by the bonus herein provided for. Such reasonable value shall be determinded by mutual agreement between the parties in interest; and, in case they can not agree, by a board of arbitration of three members, one of whom shall be named by the permittee and one by the transferee; the third shall be either the Secretary or some representative whom he may name. The reasonable value, for the purposes of such determination, of such works, equipment, structures, and other tangible property shall be the cost of reproduction of such works, equipment, structures, and other tangible property under substantially the same conditions as existed at the time of the original construction and at prices for labor and material which shall be the average of such prices for the five years next preceding the date of valuation, less a percentage of such reproduction cost equal to the per cent of physical and functional depreciation of the existing works, equipment, structures, and other tangible property.

(T) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price

to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit applied for, or for the occupancy or use of National Forest lands granted thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(U) That the works to be constructed, maintained, and operated under the permit shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect, any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in restraint of trade with foreign nations or between two or more States or within any one State in the generation, sale, or distribution of electric energy or other power.

(V) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time, shall affect only so much of the stipulation or permit as is specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the stipulation or permit.

(W) That the permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized under the permit applied for.

Reg. L–15. During the progress of construction amendments to maps of location or plans of structures will be required from the permittee if there is to be a material deviation from the maps or plans as originally filed, but no deviation will be allowed which interferes with the occupancy and use of lands under existing permits or pending applications. Any approval of any such deviation, or of any amendment of a map or plan, or of any extension of time shall be in the form of a supplemental stipulation and permit so drawn as to become a part of the original stipulation and permit and a substitute for the clauses amended. Any such approval shall apply only to the matter specifically covered thereby, and no such approval shall operate to alter or amend or be in any way a waiver of any other part, condition, or provision of the stipulation or permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Vandyke negatives of the permittee's own working plans. The plans of conduits, dams,

and appurtenant structures must be complete; of power houses, only general layout plans are required.

Reg. L–16. An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only by the written approval of the Secretary after a showing by the permittee satisfactory to the Secretary that beginning or completing construction and beginning operation has been prevented by engineering difficulties that could not reasonably have been foreseen or by other special and peculiar causes beyond the control of the permittee.

Reg. L–17. A final permit may be transferred to a new permittee under the following conditions and not otherwise: The proposed transferee shall file with the district forester of the district in which the lands under permit are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of a stipulation binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

Reg. L–18. If any person shall make a false engineer's affidavit under these regulations the Secretary may order that no map, field notes, plan, or estimate made by such person shall be received or filed while the order is in force. If any person or corporation for himself or itself or as the attorney, agent, or employee of another, shall offer or file any false engineer's affidavit, knowing the same to be false, the Secretary may order that no application for a power permit shall be filed by or received from the person or corporation so offending, either in his or its own behalf or as attorney, agent, or employee of another, and that no power permit shall be issued to such person or corporation while the order is in force.

Reg. L–19. Violation by a final permittee of any of the provisions of these regulations, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit; but attention is called to the statute under which these regulations are issued, which provides:

> That any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No final permit will be deemed to be terminated except upon formal revocation thereof by the Secretary and until the permittee shall have had a reasonable time—not to exceed 90 days—within which to show cause why such revocation should not be made.

Reg. L–20. Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding

by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the stipulation and permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the stipulation and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

RIGHTS OF WAY FOR TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES UNDER THE ACT OF MARCH 4, 1911.

Reg. L–21. Rights of way over National Forest lands for telephone, telegraph, and power-transmission lines, under the act of March 4, 1911 (36 Stat., 1253), will be granted by the Secretary of Agriculture.

Reg. L–22. All applications for rights of way over National Forest lands for power-transmission lines or for telephone or telegraph lines, under the said act of March 4, 1911, shall be filed with the district forester of the district in which the lands to be occupied are situated and shall consist of—

(A) The items specified in Regulation L–9;

(B) Field notes of survey in triplicate;

(C) Maps of location on tracing linen in duplicate with three print copies prepared in the manner prescribed for transmission lines in Regulation L–11. Each sheet of maps shall in addition be verified by an indorsement thereon in the following form:

STATE OF _____
County of _____, ss:

_____, being duly sworn, says that beginning on the ____ day of _____, 19__, and ending on the ____ day of _____, 19__, he surveyed for _____ the location of a proposed _____ line described as follows: (Here describe the line by termini and length), and that such survey is accurately represented upon this map and by the accompanying field notes.

_____,
Surveyor.

Sworn to and subscribed before me this ____ day of _____, 19__.

Each sheet of the map must have an application indorsed thereon in the following form:

(Date) _____ ____, 19__.

_____ of _____ hereby applies, under the act of March 4, 1911 (36 Stat., 1253), and the regulations thereunder promulgated by the Secretary, United States Department of Agriculture, for a right of way for a _____ line, the location of which is shown hereon.

_____ ____,
Applicant.

Reg. L–23. The grantee shall, unless otherwise ordered by the Secretary, pay annually in advance a rental charge of $5 for each mile or fraction thereof of National Forest land crossed by power-transmission lines.

Reg. L–24. If the right of way applied for is for telephone or telegraph lines, no rentals will be charged, but the applicant shall

agree to furnish such facilities to Forest officers and to permit such reasonable use of its poles or lines as may be determined upon between the applicant and the district forester at the time of filing the application.

Reg. L–25. The applicant shall file, together with the application as required under Regulation L–22, a stipulation which, upon its approval by the Secretary of Agriculture, shall constitute and express the conditions under which the grant will be made. Such stipulation shall expressly bind the applicant:

(A) To construct its lines upon the locations shown upon the maps submitted with its application and to complete such construction within two years from the date of the grant of the right of way.

(B) To operate its lines continuously after construction is completed, unless upon a full and satisfactory showing that such continuous operation is prevented by unavoidable accident or contingency this condition is temporarily waived by the Secretary.

(C) To pay annually in advance such charges as may be fixed and required by the Secretary for power-transmission lines under these regulations.

(D) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over transmission lines under grant, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the grantee, as may be required, by the Secretary.

(E) That the books and records of the grantee, in so far as they contain information concerning the power-transmission lines under grant, or the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(F) On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power-transmission lines under grant, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this clause.

(G) To protect all Government and other telephone, telegraph, and power-transmission lines at the crossing of and at all places of proximity to the grantee's telephone, telegraph, and power-transmission lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the telephone, telegraph, and power-transmission lines in such a manner as not to menace life or property.

(H) To clear and keep clear National Forest lands along the right of way for such width and in such manner as Forest officers may direct.

(I) To dispose to the satisfaction of the Forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction, maintenance, and operation of its lines under the grant.

(J) To do everything reasonable within the power of the grantee, both independently and on request of the Forest officers, to prevent and suppress fires on or near the lands occupied.

(K) To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the lines under grant.

(L) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of National Forest lands by the grantee.

(M) To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the grantee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this clause shall be construed to require the grantee to increase permanent works or install additional generating machinery.

(N) To abide by such reasonable regulation of the service rendered and to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

(O) That the lines to be constructed, maintained, and operated under the grant shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner, so that they form part of or in any way effect any combination in the form of an unlawful trust; or form the subject of any unlawful contract or conspiracy to limit the output of electric energy; or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy or in the transmission of communications by telephone or telegraph.

(P) That in respect to the regulation by any competent public authority of the service to be rendered by the grantee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the grantee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the right of way granted, nor shall such right of way or grant ever be estimated or considered as property upon which the grantee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

Reg. L–26. The grantee shall not assign or transfer to any other person or corporation whatsoever the right of way granted, except with the approval in writing first obtained from the Secretary of

Agriculture, or other proper officer of the United States, and upon terms and conditions prescribed in said written approval by said Secretary or other officer. The assignee or transferee under any such approval shall take and use the right of way subject to all terms and conditions in these regulations together with the original approved application and grant set forth, and subject to such additional terms and conditions as may be provided by such written approval of the transfer.

Reg. L–27. During the progress of construction amendments to maps of location will be required from the grantee, if there is material deviation from the maps as originally filed, but no deviation or amendment will be allowed which will interfere with the occupancy and use of National Forest lands under existing permits or grants under any of the right-of-way acts of the United States. If, after the completion of construction, there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location must be filed within six months after the completion of construction. Such maps shall show the extent of such deviation, and the final location of the telephone, telegraph, or power-transmission lines as constructed under the authority of the grant.

Reg. L–28. Grants of rights of way will be effective from the date on which the Secretary of Agriculture writes upon the face of the maps his approval thereof.

Reg. L–29. Upon breach by the grantee of any of the terms or conditions set forth in these regulations, or in the approved application, or in the grant, the United States may enforce appropriate remedy therefor by suit for specific performance, injunction, action for damages, or otherwise. And if any such breach shall be continued or repeated after 30 days' notice thereof given in behalf of the United States to the grantee, the right of way granted, together with all rights thereunder and all rental charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.

FORMS.

Form 58. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____Water Power.
Name of Forest.

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.)

(Above blanks not to be filled by applicant.)

APPLICATION FOR PRELIMINARY POWER PERMIT.

The_____, a corporation organized and existing under and by virtue of the laws of the State of_____, and having its office and principal place of business at_____, in the State of_____, citizen__of the United States and__resident of the State of_____, do____hereby make application for a preliminary permit

for_____months, covering certain lands of the United States within the_____National Forest in the State of_____, as such lands are approximately shown upon a certain map executed by_____ _____, on the____day of_____, 191__, which map is filed herewith and made a part hereof. This application is made in order that_____may, upon the filing of a complete and final application in accordance with the regulations of the Secretary of Agriculture, secure a priority for said final application from the date of the filing of this preliminary application.

(Space for insertion of request for construction work if necessary to maintain water rights.)

In witness whereof_____ha__caused this instrument to be executed this____day of_____, 191__.

_____ _____

(Seal of corporation.) _____ _____

_____ _____

Attest:_____

Secretary.

Subscribed and sworn to before me this____day of_____, 191__.

(Seal.) _____,

Notary Public.

(Copies of this form may be obtained by application to the district foresters.)

Form 58a. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

Certification of receipt of application for power permit or right-of-way grant.

The within application of_____ _____for a _____under the act of_____ ____was first received by me at_____on_____, 191__, having been found incomplete it was returned to the applicant and was again received on_____ _____. The date of priority is_____ _____.

_____,

District Forester.

The within application having been found incomplete when filed on_____ ____was returned to the applicant for correction with a letter of_____ _____, copy of which is attached hereto. The application was found complete as required by the regulation when examined by me on_____ _____.

_____,

District Engineer.

If the application was complete when first received, cancel the portion of the form which is inapplicable. If returned for correction more than once, the additional dates should be written in the blanks and be initialed by the district forester or the district engineer, as the case may be. Use this form for both preliminary and final power applications and right-of-way grants.

Form 59 (revised to Mar. 1, 1913).

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.)

PRELIMINARY POWER PERMIT.

This preliminary power permit, issued this ____ day of _____, 191__, to the _____ Company, hereinafter called "the permittee," a corporation organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at _____, in the State of _____, witnesseth: That,

Whereas the permittee filed with the district forester at _____, on the ____ day of _____, 191__, an application for a preliminary power permit, in accordance with the regulations of the Secretary of Agriculture, hereinafter called "the Secretary;"

And whereas the permittee, on the ____ day of _____, 191__, paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ _____ dollars ($_____):

Now, therefore, the conditions of this permit are as follows:

ARTICLE 1. If the permittee shall, on or before the ____ day of _____, 191__, file with district forester at _____, in the manner prescribed by the regulations of the Secretary, a complete and final application for a permit to occupy and use lands of the United States within the _____ National Forest, as shown upon a certain map executed by _____, on the ____ day of _____, 191__, and made a part of the aforesaid preliminary application, for (1) _____ reservoirs to be located approximately as shown upon the aforesaid map; (2) _____ water conduits to be located between points of diversion and discharge, as approximately shown upon the aforesaid map; (3) _____ power-house sites to be located approximately as shown on the aforesaid map; and (4) _____ transmission lines to be located approximately as shown on the aforesaid map; then and thereupon said final application shall, with reference to priority of application, relate back and be effective as of the date of the aforesaid preliminary application; but final permit will not be issued unless the development proposed in the final application is in general accord with the most beneficial utilization of the resources involved and consistent with the public interest.

ART. 2. If the permittee shall include in said final application National Forest lands which comprehend developments not included within its preliminary application, the priority of its application for such additional lands shall date only from the date of the filing of said final application.

ART. 3. The permittee shall pay annually in advance from the 1st day of January, 191__, until the date of the granting of the aforesaid final permit, to the _____ National Bank of _____ (United States depository) or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States, a charge for the priority rights granted under this permit, which charge shall be calculated from the "rental capacity of the power site," as defined in the regulations of the Secretary and as estimated at the time of granting this permit, at a rate which shall be 10 cents per horsepower per year for the first full calendar year under this permit, and which shall increase by 10 cents per horsepower per year for each year thereafter until the date of the granting of final permit as aforesaid.

ART. 4. If any part of the aforesaid charge, payable as provided in article 2 hereof, shall, after due notice has been given, be in arrears for 60 days, then and thereupon this permit shall terminate and become void.

ART. 5. If upon the filing of the said final application a final power permit is granted by the Secretary to the permittee to occupy and use the aforesaid lands for the construction, maintenance, and, or, operation of the aforesaid works, and in accordance with the provisions of such final power permit, the permittee completes the construction and begins the operation of the aforesaid works, all payments made in consideration of this permit will be credited to the permittee and be applied to the payment of charges due or to become due after such beginning of operation under such final power permit: *Provided, however,* That if such final application provides for only a partial development of the power project or projects, as outlined in the aforesaid preliminary application and as protected by this permit, then only such proportional part of the aforesaid payments will be credited to the permittee as the amount of development provided for in said final application bears to the amount of development indicated in said preliminary application; if, however, after the filing of final application in the form and manner prescribed in the regulations of the Secretary, the Secretary does not grant a final power permit to the permittee, all payments made in consideration of this permit will be returned to the permittee.

ART. 6. This permit shall terminate and become void upon the date named in article 1 hereof, unless extended by the written consent of the Secretary, and such extension will not be granted unless the completion of the final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen, or by some special or peculiar cause beyond the control of the permittee; and if at the date of the termination of this permit as named in article 1 hereof, or at the date of the termination of any extension of time as herein provided, the permittee has failed to present a complete and final application in the manner and in the form prescribed in article 1 hereof, then and thereupon the aforesaid priority shall be lost, and no other application, either preliminary or final, covering in whole or in part the same or adjacent lands will be accepted from the permittee for a period of one year subsequent to the date of the termination of this permit or to the date of the termination of any extension hereof.

ART. 7.[1] This permit shall give no right to begin construction of any kind or to cut or destroy any timber upon National Forest lands.

ART. 7. The permittee is hereby authorized to begin the construction of the following works:

ART. 8.[1] This permit is subject to a _____ power permit granted to _____ on the ____ day of _____, 19__, and having a priority date of _____ ____, 19__, also to_____

ART. 9. This permit is nontransferable.

In witness whereof I have hereunto set my name this ____ day of _____, 19__.

_____,
Secretary of Agriculture.

Form 60. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date of priority of application.)

(Above blanks not to be filled by applicant.)

[1] Cancel clauses not used.

APPLICATION FOR FINAL POWER PERMIT.

The _____, a corporation organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at_____, in the State of _____, _____, ____citizen__ of the United States and ____resident__ of the State of _____, do__ hereby make application for permission to occupy and use certain lands of the United States within the _____ National Forest in the State of _____, by constructing, maintaining, and, or, operating thereon for the main purpose of the development of power, the following project works:

(Cancel such of the four following items (*a*), (*b*), (*c*), (*d*) as may not be applicable.)

(*a*) _____, dams approximately _____
(Masonry, earth, etc., diverting or storage.)
_____ feet in maximum height and approximately _____ feet in maximum length, to form _____ reservoirs to flood approximately _____ acres at spillway level,[1] in section _____, township _____, range _____, _____ meridian, of which total of _____acres approximately _____ acres are National Forest land, said dams and said reservoirs being designated, respectively, as follows: _____

(*b*) _____ water conduits, approximately _____ miles in length, respectively,[1] crossings sections _____ township _____, range _____, _____ meridian, of which total of _____ miles, approximately _____ _____ miles will cross National Forest land, said water conduits being designated, respectively, as follows: _____

(*c*) _____ power houses and appurtenant structures to occupy approximately _____ acres, respectively,[1] in section _____, township _____, range _____, _____ meridian, of which total of _____ acres, approximately _____ acres are National Forest land, said power houses being designated, respectively, as follows: _____

(*d*) _____transmission lines_____ miles in length, respectively,[1] crossing sections_____, township _____, range_____, _____ meridian, of which total of_____miles approximately_____miles will cross National Forest land, said transmission lines being designated as follows: _____

All as approximately shown upon certain maps and plans executed by _____on the____day of_____19__, which maps and plans are filed together herewith and designated as follows:_____
(Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan, as "Exhibit A," Map of Location of, etc.; "Exhibit_____," Plan of, etc.)_____

which maps and plans, together with certain field notes, estimates and data, evidence of water rights, articles of incorporation, etc., designated, respectively,

[1] If land is unsurveyed, substitute for the description by legal subdivisions in paragraphs (*a*), (*b*), (*c*), and (*d*) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the district forester on the ____ day of _____, 19__."

as "Exhibit_____," "Exhibit_____," _____ _____are hereby made a part of this application.

This application has been prepared to be filed in accordance with the regulation of the Secretary of Agriculture, in order that_____ _____may obtain the benefits of the act of Congress approved February 15, 1901, entitled "An act relating to rights of way through certain parks, reservations, and other public lands;" and the use and occupancy of National Forest lands for which this application is made is desired in order to construct, maintain, and, or, operate thereon the aforesaid project works for the purpose of developing power_____

(Add use to which power is to be put and any other purpose for _____ which land may be desired.)

_____

In witness whereof_____ha__ caused this instrument to be executed this____day of_____, 19__

_____ _____

[Seal of corporation.] _____ _____

_____ _____

Attest:

_____ _____,

Secretary.

Subscribed and sworn to before me this____day of_____, 19__

[Seal.] _____ _____,

Notary Public.

(Copies of this form may be obtained from the district forester.)

60a. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE.

Form of affidavit of engineer to accompany application for final power permit.

STATE OF_____ }
ss:
*County of*_____ }

_____ _____ being duly sworn, says he is the engineer of (or the person employed to make the surveys, collect the data, make the estimates, and prepare the designs and plans by) the _____ _____ Company; that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and described as follows: _____

_____

(Describe as in the application, Form 60.)

_____

_____

being a total length of water conduit of _____ miles, a total length of transmission lines of _____ miles, a total area of reservoir site of _____ acres, and a total area of power-house site of _____ acres was made by him (or under his direction) under authority of said _____ Company; that said survey was commenced on ____ ____ and completed on ____ ____, 19__; that said survey represents the proposed final location of said water conduits, transmission lines, reservoir sites, and power-house sites, and that said survey is accurately represented upon the maps herein described; he further says that the notes of survey filed together herewith as Exhibit _____ _____ are the notes of the above described survey; that said notes are a true and complete copy of an actual location survey made upon the ground by him (or under his direction) within the dates above named; and that all of said notes and no others were used in the preparation of the maps herein described; he further says that the plans of structures filed together herewith and described as follows: _____

_____

(Describe as in the application, Form 60.)

_____

were prepared by him (or under his direction) under authority of said_____ _____ Company; that the designs as shown upon said plans represent safe, proper, and adequate structures for the full economic utilization of the power available for development at the location shown upon the maps herein described; and he further says that the data and estimates filed together herewith as Exhibit _____ were prepared by him (or under his direction) under authority of said _____ _____ Company; that the estimates shown in said Exhibit _____ _____ are based upon the said data, being all the data available therefor; and that said estimates represent, in his best judgment and belief, the amount of power that can be developed, under the condition specified, by the works shown upon the maps and plans herein described.

_____ _____,
Engineer.

Subscribed and sworn to before me this ____ day of _____, 19__.
[Seal.]

_____ _____,
Notary Public.

NOTE.—This affidavit form is not to be placed upon map, plans, or other exhibits but is to be typewritten and filed as "Exhibit _____" of the application. See Regulation L–11 (J). If the above described work has been done by or under the direction of more than one engineer each should subscribe to an affidavit covering the part of the work for which he is responsible.

60b. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

Form of certificate of applicant to accompany application for final power permit.

I, _____ _____, do hereby certify that I am the _____ of the _____ Company; that _____, who subscribed (respectively) to the foregoing affidavit__, is (are) the engineer__ of (said company) (the person__ employed by said company to do the work evidenced on the (respective) affidavit__); that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and designated as follows, _____
_____
(Designate as in affidavit.)
_____
_____
the notes of survey as given in "Exhibit _____," filed together herewith, the designs of structures as shown upon the plans filed together herewith and designated as follows: _____
_____
_____
(Designate as in affidavit.)
the collection of data and the estimates of power as given in "Exhibit _____," filed together herewith, were made under authority of said (company); that said (company) is fully authorized by its articles of incorporation to construct, maintain, and operate water conduits, transmission lines, dams, reservoirs, and power houses upon the location shown upon the above described maps, and of the design shown upon the above described plans; that said locations and said designs have been adopted by said (company) as the approximate final locations and the approximate final designs of said water conduits, transmission lines, dams, reservoirs, and power houses; that said estimates as shown by said "Exhibit _____" have been approved by said (company); and that in accordance with the regulations of the Secretary of Agriculture, the maps, plans, estimates, and data herein described have been prepared as a part of an application of said (company) dated _____, 19__, and bearing my signature (as _____ _____ of said company).

_____ _____,
[Seal of company.] _____ *of the company.*
Attest:

_____ _____,
Secretary.

Form 61. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____, Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date of priority of application.)

POWER STIPULATION

The _____ Company having on the ____ day of _____, 19__, filed with the district forester at _____ _____ an application, in accordance with the regulations of the Secretary of Agriculture, for a permit to occupy and use certain lands of the United States within the _____ National Forest in the State of _____ and more particularly described in and shown by the maps and plans accompanying said application and made a part thereof, upon which to construct, maintain, and operate certain project works described in said application for the purpose of storing, conducting, and, or, using water for developing power and for the purpose of transmitting said power does hereby, in consideration of and as a prerequisite to the approval of the said application and the granting of the permit applied for, stipulate and agree as follows, to wit:

Definition of terms.

ARTICLE 1. That the following terms wherever used in this stipulation shall have the meanings hereby in this article assigned to them, viz:

"Permittee" means the _____ Company, a corporation organized and existing under and by virtue of the laws of the State of _____ and having its office and principal place of business at _____ in the State of _____

"Secretary" means the Secretary of Agriculture of the United States of America, or his successor, or his duly authorized representative, or such other officer or agent of the United States as may be legally designated.

"National Forest lands" means public lands of the United States reserved under the terms of the act of March 3, 1891 (26 Stat., 1095) as amended by the act of June 4, 1897 (30 Stat., 11).

"Permit," as used in this stipulation, means the final power permit applied for by the permittee upon the _____ day of _____, 19__, in accordance with the regulations of the Secretary under the act of February 15, 1901 (31 Stat., 790), and in consideration of which this stipulation is filed with the district forester.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation, where any such purpose is directly pursued by the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by final permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by preliminary and final permits prior to the operation period.

"Nominal stream flow" means the sum of (*a*) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof and (*b*) the stream flow made available from storage not by the project works.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the continued product of (1) the factor 0.08;[1] (2) the average effective head, in feet; (3) the stream flow estimated to be available at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works) considered as the sum of (*a*) the nominal stream flow and (*b*) stream flow made available from storage by project works; and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Rental capacity of the power site" means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site:

(*a*) Whenever power projects include conduit sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not National Forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit (from intake to tailrace outlet) by the per cent of the length of said conduit which is not located on National Forest lands.

(*b*) Whenever power projects include reservoir sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of stream flow made available from storage by the project works. This deduction will be the per cent of the total area of the reservoir sites that is not National Forest land.

(*c*) From the total capacity of the power site which remains after deductions (*a*) and (*b*) have been made will be made a further deduction, which, in per cent, will be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case will deduction (*c*) exceed 25 per cent.

Amendment of maps and plans.

ART. 2. To construct its works on the locations shown upon the maps and in accordance with the plans specifically described in its final application for permit, filed with the district forester at _____ on the ____ day of _____, 19__, which said maps and plans are hereby made a part of this stipulation, and to make no material deviation from said locations or from said plans unless and until maps or plans showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be allowed which will interfere with the occupancy and use of National Forest lands under existing permits, or conflict with prior rights under pending applications.

[1] The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

ART. 3. To file, within six months after the completion of each part of the project works, as required in article 5 hereof, in the manner prescribed for original maps of location, maps showing the final location of such part of the project works as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof; and to file also within six months of the completion of each part of the project works as aforesaid, in such manner as may be prescribed by the Secretary, detailed working plans of each part of the project works as constructed, except of such parts as have been constructed in compliance with the plans originally filed or approved amendments thereof.

Beginning and completion of construction and beginning of operation.

ART. 4.[1] To begin the construction of the aforesaid project works within the period of _____ months from the date of execution of the permit and thereafter diligently and continuously to prosecute such construction, unless such construction is temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

ART. 4[1]. To begin the construction of the following several parts of the aforesaid project works within the several periods in this article provided, which periods shall begin on the date of execution of the permit and thereafter diligently and continuously to prosecute such construction, unless such construction is temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(1) Within _____ months, part 1, consisting of_____

_____

_____

ART. 5.[1] To complete the construction and begin the operation of the aforesaid project works within a period of _____ months from the date of execution of the permit.

ART. 5.[1] To complete the construction and begin the operation of the following several parts of the aforesaid project works within the several periods in this article provided, which period shall begin on the date of execution of the permit.

(1) Within _____ months, part 1, consisting of _____

_____

_____

ART. 6. That it is understood, if at the date of the termination of any one of the periods specified in article 4 hereof, unless such period is extended by the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary that such beginning of construction of that part of the project works required to have been begun within such period has been prevented by the act of God, or by the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee, that thereupon the permission to occupy and use National Forest lands for all parts of said project works, the construction of which has not been begun on said date shall terminate and become void; and that the permit, in so far as such parts of said project works are concerned, shall become of no effect.

ART. 7. That it is understood that the periods specified in article 5 hereof for the completion of construction and the beginning of operation of the several parts of the project works will be extended only upon the written approval of the Secretary, after a showing by the permittee satisfactory to the Secretary, that the completion of construction and beginning of operation has been prevented by the act of God, or the public enemy, or by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar cause beyond the control of the permittee; and if such extension be not approved, that thereupon the permission to occupy and use National Forest lands for such parts of said project works shall terminate and become void; and that the permit, in so far only as such parts of said project works are concerned, shall become of no effect.

ART. 8. That, except when prevented by the act of God, or by the public enemy, or by unavoidable accidents or contingencies, the permittee will, after the

[1] Use the first form of articles 4 and 5 when but one complete power project is to be constructed and it is inadvisable to separate it into two or more units of construction. When several distinct power projects are involved, or where it may be desirable to divide a single power project into two or more units of construction, use the second form of articles 4 and 5. Cancel form not used.

beginning of operation, continuously operate for the development of power the project works constructed, maintained, and, or, operated in whole or in part under the permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived by the written consent of the Secretary.

Capacities of power site.

ART. 9. That the total capacity of the power site, permission for the occupancy and use of which, in whole or in part, has been applied for, shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows:_____

_____

_____

and that the part of the aforesaid total capacity which is due to the use of the nominal stream flow shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows: _____

_____

_____

and that the part of the aforesaid total capacity which is due to the use of stream flow made available from storage by the project works shall, for the purposes of this stipulation, be deemed and taken to be _____ horsepower, distributed as follows_____

_____

_____

it being understood that if any approved alterations or amendments of the maps of location or plans of project works, as provided for in article 2 and article 3 hereof, or any permanent change in the nominal stream flow, due to storage or otherwise, shall result in an increase or decrease in the total capacity of the power site, or of either part thereof, or of both, as said capacities are hereinbefore taken, said increased or decreased power capacities shall, from the beginning of the calendar year next succeeding the date of such approval, or of such change in nominal stream flow, be deemed and taken to be, for the purposes of this stipulation, the capacities of the power site occupied and used, in whole or in part, under the permit; and *it being further understood* that if at any time not less than ten (10) years after the original or after the last preceding determination of the said total capacity of the power site, or of either part thereof, or of both, either the permittee or the Secretary, on the ground of the inaccuracy, insufficiency, or inapplicability of the data upon which said original or said last preceding determination or said capacities was made, shall apply for or give notice of review of said original or said last preceding determination, then and thereupon such review shall be taken by the Secretary and a redetermination of the capacities shall be made, and the said redetermined capacities shall, for the purposes of this stipulation, and from the beginning of the next calendar year, be deemed and taken to be the capacities of the power site occupied and used in whole or in part under the permit.

ART. 10. To pay annually in advance from the 1st day of January 191__, to the _____ National Bank of _____ (United States depository) or such other Government depository or officer as may be hereafter legally designated, to be placed to the credit of the United States, a rental charge for the occupancy and use of the lands of the United States described and shown upon the maps hereinbefore referred to, which rental charge shall be calculated from the "rental capacity of the power site," as defined in article 1 hereof, at the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period and similarly for the operation period	$0.10
For the second full calendar year of each of said periods	.20
For the third year	.30
For the fourth year	.40
For the fifth year	.50
For the sixth year	.60
For the seventh year	.70
For the eighth year	.80
For the ninth year	.90
For the tenth and each succeeding year	1.00

it being understood that said estimated rental capacity may be adjusted annually by the Secretary to provide for changes in ownership of lands in reservoir sites and on water conduit lines and for changes in length of primary transmission; and *it being further understood* that at any time not less than ten (10) years after the issuance of the permit, or after the last revision of rates of rental charge thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper; provided that such rental rates shall not be so increased as to reduce the margin of income (including appreciation in land values) from the power project or projects under the permit over proper, actual, and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession), is unreasonably small; but the burden of proving such unreasonableness shall rest upon the permittee.

ART. 11. That it is understood that if the permittee completes the construction and begins the operation of each of the several parts of the aforesaid project works within the periods provided for in article 5 hereof or any approved extension thereof, then and thereupon all charges for the occupancy and use of National Forest lands for said part of said project works so completed and operated which have been paid prior to the date of such completion and operation will be credited to the permittee and will be applied to the payment of charges due at the date of such completion and operation or to become due thereafter.

ART. 12. That it is understood that if any part of the power developed by the project works under the permit is used by the permittee itself for irrigation as auxiliary to irrigation works owned and operated by the permittee, or for the temporary development of power to be used in the construction of permanent project works under permit to the permittee, such a proportional part of the full schedule charge for any calendar year will be credited to the permittee as the power developed by the project works and used for the purposes above named bears to the total output of the project works for said years; and that all amounts so credited will be applied to the cancellation of charges as they may thereafter become due.

ART. 13. That it is understood that if any part of the aforesaid rental charge, payable as hereinbefore provided, shall, after due notice has been given, be in arrears for six (6) months, then and thereupon the permit and the authority granted thereunder to occupy and use National Forest lands shall terminate and be void.

ART. 14. That the decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or charges depends.

Records and accounts.

ART. 15. On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters, measuring weirs, gauges, and, or, other devices approved by the Secretary and adequate for the determination of the amount of power developed by the project works and of the flow of the streams from which the water is to be diverted for the operation of said works, and of the amount of water used in the operation of said works, and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing to the satisfaction of the Secretary, and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

ART. 16. That the books and records of the permittee, in so far as they contain information concerning the power project or projects under the permit, or the power business conduction in connection therewith, shall be open at all times to the inspection and examination of the Secretary.

ART. 17. Upon the demand of the Secretary to maintain in such form as the Secretary may prescribe or approve a system of accounting of the entire power business transacted in connection with the power project or projects under the permit and to render annually such reports of said power business as the Secretary may direct: *Provided, however*, That if the laws of the State in which the said power business or any part thereof is transacted require periodical reports from public utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

Miscellaneous requirements.

ART. 18. To protect all Government and other telephone, telegraph, and power transmission lines at crossings of and at all places of proximity to the permittee's transmission lines in a workmanlike manner according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the transmission lines in such manner as not to menace life or property.

ART. 19. To clear and keep clear all lands of the power project for such width and in such manner as the Secretary may direct.

ART. 20. To dispose of all brush, refuse, or unused timber on National Forest lands resulting from the construction and maintenance of the project works as may be required by the Secretary.

ART. 21. To build and repair roads and trails as required by the Secretary, whenever any existing roads or trails are destroyed or injured by the construction work or flooding under the permit, and to build and maintain necessary and suitable crossings, as required by the Secretary, for all roads and trails which intersect the water conduit, if any, constructed, maintained, and operated under the permit.

ART. 22. To do everything reasonably within its power and to require of its employees, contractors, and employees of contractors to do all reasonably within their power, both independently and upon the request of the forest officers, to prevent and suppress forest fires upon and near the lands to be occupied under the permit.

ART. 23. To pay in advance, as required by the Secretary, to the United States depository or officer as above set forth in article 10 hereof, to be placed to the credit of the United States, the full value as fixed by the Secretary of all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, or operation of the project works.

ART. 24. To pay, on demand of the Secretary, to the United States depository or officer, as above set forth in article 10 hereof, to be placed to the credit of the United States, full value for all damage to the lands or other property of the United States resulting from the breaking of, or the overflowing, leaking, or seeping of water from the project works constructed, maintained, and, or, operated under the permit, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or that of its employees, contractors, or employees of contractors.

ART. 25. To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of National Forest lands by the permittee.

ART. 26. To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this article shall be construed to require the permittee to increase its permanent works or to install additional generating machinery.

ART. 27. To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 28. That upon demand therefor in writing from the Secretary the permittee will surrender the permit to the United States or transfer the same to such State or municipal corporation as the Secretary may designate, and on the conditions specified in this article, and will also give, grant, bargain, sell, and transfer with the permit (upon such demand and upon said conditions) all works, equipment, structures, and property then owned or held and then valuable or serviceable in the generation, transmission, or distribution of electrical or other power, and which are then dependent in whole or in part for their usefulness upon the continuance of the permit, together with all interest in any leaseholds of operating property used in connection with the works under the permit, and all contracts for the sale and delivery of electrical or other power; that the Secretary may require such surrender, if the United States shall desire to take over the permit and properties or, whenever a substantial part of such property is situated elsewhere than on National Forest lands, he may designate as such transferee any State or municipal corporation which shall desire such transfer: *Provided, however*, That no municipal corpo-

ration shall be so designated unless by condemnation it shall have acquired, or unless by proceedings in a court of competent jurisdiction it shall have been determined that such municipality has the right to acquire, such property situated elsewhere than on National Forest lands: *And provided further*, That no such municipal corporation shall be so designated unless it also has the power to acquire the said property and rights of the permittee in accordance with the following conditions; that such surrender or transfer shall be on condition precedent that the United States or such transferee shall first pay to the permittee the reasonable value of all said works, equipment, structures, and other tangible property, and in addition thereto a bonus of three-fourths of 1 per cent of such reasonable value for each full year of the unexpired term of the permit; that such reasonable value shall not include any sum for the permit, or for any other franchise or right granted by the United States, by any State, or by any municipal corporation, in excess of the amount (exclusive of any tax or annual charge) actually paid to the United States, or to such State or municipal corporation, as the compensation for the granting of such franchise or right, or any sum for any other intangible properties or values whatsoever, it being understood that all such intangible values shall be covered by the bonus herein provided for; that such reasonable value shall be determined by mutual agreement between the parties in interest, and in case they can not agree by a board of arbitration of three members, one of whom shall be named by the permittee and one by the transferee, the third shall be either the Secretary or some representative whom he may name; and that the reasonable value for the purposes of such determination, of such works, equipment, structures, and other tangible property shall be the cost of reproduction of such works, equipment, structure, and other tangible property under substantially the same conditions as existed at the time of the original construction and at prices for labor and material which shall be the average of such prices for the five years next preceding the date of valuation, less a percentage of such reproduction cost equal to the per cent of physical and functional depreciation of the existing work, equipment, structures, and other tangible property.

ART. 29. That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit, or for the occupancy or use of National Forest lands granted thereunder, nor shall the permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

ART. 30. That the works constructed, or to be constructed, maintained, and, or, operated under the permit, will not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of, or in any way effect, any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in restraint of trade with foreign nations or between two or more States or within any one State in the generation, transmission, distribution, or sale of electrical or other power.

In witness whereof the permittee has executed this stipulation on the ____ day of _____, 19__.

[SEAL.] By _____

Attest:

_____,
Secretary.

Form 61b.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

ACKNOWLEDGMENT.

State of _____ } ss:
County of _____ }

On this ____ day of _____, 19__, before me, a notary public in and for said county, duly commissioned and sworn, my commission expiring _____, 19__,

personally came _____, to me personally known, who being by me duly sworn, did depose and say that he resides in _____; that he is the _____ _____ of the _____ Co.; that the said company is the corporation which is described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order, and the said _____ _____ acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and official seal the day and year first above written.

_____ _____,

[Notarial Seal.] *Notary Public.*

This form of acknowledgment should accompany all stipulations for final power permits, transmission-line permits, and right-of-way grants.

Form 62. (Revised to March 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____
(Use applied for.)

_____
(Date of priority of application.

FINAL POWER PERMIT.

Whereas the _____ Company (hereinafter called "the permittee") filed with the district forester at _____ _____, on the ____ day of _____, 19__, in accordance with the regulations of the Secretary of Agriculture (hereinafter called "the Secretary") under the act of February 15, 1901, an application for permission to occupy and use, for the development, transmission, and distribution of power, certain lands of the United States within the _____ National Forest, in the State of _____, and more particularly described and shown by the maps, field notes, plans, estimates, and data accompanying the said application; and

Whereas the aforesaid maps and plans, as hereinafter specifically described, have been adopted by the permittee as the maps of the approximate final location, and as the approximate plans of the project works which the permittee proposes to construct under this permit; and

Whereas the permittee has paid to the _____ National Bank of _____ (United States depository), to be placed to the credit of the United States, the sum of _____ dollars ($_____); and

Whereas the permittee on the _____ day of _____, 19__, executed, and on the _____ day of _____, 19__, filed with the district forester at _____ _____ a stipulation required by the Secretary as a condition to the issuance of this permit:

Now, therefore, I _____ Secretary of Agriculture of the United States, in accordance with the authority conferred upon me by the act of February 15, 1901, do authorize the permittee, subject to the regulations of the Secretary and to the provisions hereinafter set forth, to occupy and use the lands hereinbefore referred to, and to construct, maintain, and, or, operate thereon, for the purposes in article 1 below set forth, the following project works:

(Cancel such of the four following items (*a*), (*b*), (*c*), and (*d*) as may not be applicable.)

(*a*) _____ dams approximately
(Masonry, earth, etc., diverting or storage.)
_____ feet in maximum height and approximately _____ feet in maximum length, to form _____ reservoirs to flood approximately _____ acres at spillway level (*), in section _____ township _____, range _____, _____ meridian, of which total of _____ acres approximately _____ acres are National Forest land, said dams and said reservoirs being designated, respectively, as follows: _____

(*b*) _____ water conduits approximately _____ miles in length, respectively, (*) crossing sections _____ township _____ _____, range _____, _____ meridian, of which total of_____ miles approximately _____ miles will cross National Forest land, said water conduits being designated, respectively, as follows: _____

(*c*)_____power houses and appurtenant structures to occupy approximately _____ acres, respectively (*), in section_____ township _____, range _____, _____ meridian, of which total of _____ acres approximately _____ acres are National Forest land, said power houses being designated, respectively, as follows:_____

(*d*)_____transmission lines_____miles in length, respectively (*), crossing sections_____, township_____, range_____, _____meridian, of which total of _____miles approximately_____miles will cross National Forest land, said transmission lines being designated as follows:_____

All as approximately shown upon certain maps and plans executed by_____ _____on the____day of_____, 19__, which maps and plans are filed togethed herewith and designated as follows:

(Designate each original of map or plan as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map or plan, as "Exhibit A," map of location of, etc.; "Exhibit_____," plan of, etc.)

which maps and plans, together with certain field notes, designated as "Exhibit_____."

ARTICLE 1. The project works to be constructed, maintained, and, or, operated under this permit shall be constructed, maintained, and, or, operated for the purpose of storing, conducting, and, or, using water for the development of power or for the purpose of the transmission and use of said power.

(*) If land is unsurveyed, substitute for the description by legal subdivisions in paragraphs (*a*), (*b*), (*c*), and (*d*) the following: "Located on certain lands described and shown by the maps and field notes accompanying the application filed with the district forester on the_____day of_____, 19__."

ART. 2. Unless sooner revoked by the Secretary this permit shall terminate and become void at the expiration of fifty (50) years from the date hereof, but at said expiration may be deemed to be an application by the permittee for a new permit to occupy and use such National Forest lands as are occupied and used under this permit: *Provided*, That the permittee shall, not less than two (2) or more than twelve (12) years prior to the termination of said fifty (50) years, formally notify the Secretary that it desires such new permit, and shall comply with all laws and regulations at such time existing governing the occupancy and use of National Forest lands for power purposes.

ART. 3. Any violation of or failure to comply with the provisions or conditions of any article of the aforesaid stipulation, whether or not such article provides that such violation or noncompliance shall result in the revocation of this permit, shall be deemed and taken to be a sufficient cause for such revocation; but *it is understood* that the statute under which this permit is issued provides

> that any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No revocation, however, of this permit either in whole or in part will be made until after due notice thereof has been served upon the permittee, and until after the permittee shall have been given a reasonable time, not to exceed ninety (90) days after the service of said notice, within which to show cause why such revocation should not be made.

ART. 4. This permit, and the permission granted hereunder to occupy and use National Forest lands, may be transferred to a new permittee under the following conditions, and not otherwise: The proposed transferee shall file with the district forester of the district in which the lands to be occupied are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof; also an application by the proposed transferee in the form of a stipulation, binding the proposed transferee to the performance of such new and additional conditons expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such stipulation and so approved.

ART. 5. Any power project, permission to construct which is granted by this permit, or any part of such project, may be abandoned by the permittee upon the written approval of the Secretary, after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development or use of such power project, or part thereof so abandoned, and after the fulfillment by the permittee of all obligations under the aforesaid stipulation, in respect to payment, or otherwise, existing at the time of such approval.

ART. 6. Upon the voluntary abandonment of the occupancy and use of National Forest lands, as authorized by this permit (except as provided for in article 4 hereof), or upon the revocation of this permit, or upon the nonexecution of a new permit at the termination of this permit, all permanent project works which have been constructed under the authority of this permit, such as reservoirs, dams, and operating mechanism, water conduits and operating mechanism, power houses, and other buildings shall become and remain the property of the United States, *Provided, however*, That if said revocation or abandonment shall, as provided for in the aforesaid stipulation, affect only a part of the project works, the construction of which is authorized by this permit, the provisions of this article shall apply only to such parts of said project works as are affected by such revocation or abandonment. The mechanical equipment of power houses shall remain the property of the permittee, and may be removed within a reasonable time, not to exceed six (6) months after such abandonment, revocation, or termination, unless other disposition of such equipment is approved by the Secretary.

ART. 7. This permit is subject to all prior valid claims and permits which are not subject to the occupancy and use hereby authorized.

In witness whereof I have hereunto set my hand this____day of ------, 19--

---------- ----------,
Secretary of Agriculture.

Form 63 (Revised to March 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____Water Power.
(Name of Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date or priority of application.)

TRANSMISSION LINE PERMIT.

Whereas the_____Company (hereinafter called "the permittee") filed with the district forester at_____ on the_____day of_____, 19__, in accordance with the regulations of the Secretary of Agriculture (hereinafter called "the Secretary") under the act of February 15, 1901, an application for permission to occupy and use for the transmission of electric power certain lands of the United States within the_____National Forest, in the State of_____ _____, and more particularly described and shown by the maps and field notes accompanying the said application; and

Whereas the aforesaid maps, as hereinafter specifically described, have been adopted by the permittee as the maps of approximate final location of the transmission line__ which the permittee proposes to construct under this permit; and

Whereas the permittee has paid to the_____ National Bank of_____(United States depository), to be placed to the credit of the United States, the sum of_____dollars ($_____); and

Whereas the permittee on the_____ day of_____, 19__, executed and on the_____day of_____, 19__, filed with the district forester at_____a stipulation required by the Secretary as a condition to the issuance of this permit;

Now, therefore, I_____, Secretary of Agriculture of the United States, in accordance with the authority conferred upon me by the act of February 15, 1901, do authorize the permittee, subject to the regulations of the Secretary and to the provisions hereinafter set forth, to occupy and use the lands hereinbefore referred to, and to construct, maintain, and operate____transmission line__thereon, as such transmission line__is (are) approximately shown upon_____certain maps and is (are) described in certain field notes executed by_____, on the _____day of_____, 19__, which maps and field notes are filed together herewith and designated as follows:_____

(Designate each original map as "Exhibit A," "Exhibit B," etc., following each such designation by the title of the map, as "Exhibit A," map of location of, etc. Also designate field notes as "Exhibit____")

_____
_____
_____
_____
_____
_____

which maps and field notes are hereby made a part of this permit.

ARTICLE 1. Unless sooner revoked by the Secretary, this permit shall terminate and become void at the expiration of fifty (50) years from the date hereof, but at said expiration may be deemed to be an application by the permittee for a new permit to occupy and use such National Forest lands as are occupied and used under this permit; *Provided*, That the permittee shall, not less than two (2) or more than twelve (12) years prior to the termination of said fifty (50) years, formally notify the Secretary that it desires such new permit, and shall comply with all laws and regulations at such time existing, governing the occupancy and use of National Forest lands for power purposes.

ART. 2. Any violation of or failure to comply with the provisions or conditions of any article of the aforesaid stipulation, whether or not such article provides that such violation or noncompliance shall result in the revocation of this permit, shall be deemed and taken to be a sufficient cause for such revocation; but it is understood that the statute under which this permit is issued provides

> that any permission given by the Secretary of the Interior (Agriculture) under the provisions of this act may be revoked by him or by his successor in his discretion.

No revocation, however, of this permit will be made until after due notice thereof has been served upon the permittee and until after the permittee shall have been given a reasonable time within which to show cause why such revocation should not be made.

ART. 3. This permit and the permission granted hereunder to occupy and use National Forest lands may be transferred to a new permittee under the following conditions, and not otherwise; the proposed transferee shall file with the district forester of the district in which the lands to be occupied are situated the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of a stipulation binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such stipulation and so approved.

ART. 4. Any transmission line, permission to construct which is granted by this permit, or any part thereof, may be abandoned by the permittee upon the written approval of the Secretary, after a finding by the Secretary that such abandonment will not be contrary to the public interest and after the fulfillment by the permittee of all obligations under the aforesaid stipulation in respect to payment or otherwise, existing at the time of such approval.

ART. 5. Upon the voluntary abandonment of the occupancy and use of National Forest lands, as authorized by this permit (except as provided for in article 3 hereof), or upon the revocation of this permit, or upon the nonexecution of a new permit at the termination of this permit, all permanent works which have been constructed under the authority of this permit shall become and remain the property of the United States.

ART. 6. This permit is subject to all prior valid claims and permits which are not subject to the occupancy and are hereby authorized.

In witness whereof I have hereunto set my hand this _____ day of _____, 19__.

_____,
Forester.

Form 68.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Water Power.
(Name of Forest.)

_____
(Name of applicant.)

Transmission line.

_____
(Date of priority application.)

TRANSMISSION LINE STIPULATION.

(Act of February 15, 1901.)

The _____ Company, hereinafter called "the permittee," having on the _____ day of _____, 19__, filed with the district forester at _____, an application, in accordance with the regulations of the Secretary of Agriculture, hereinafter called "the Secretary," for a permit to occupy and use certain lands of the United States within the _____ National Forest in the State of _____, and more particularly described in and shown by the maps accompanying said application, and made a part thereof, upon which to construct, maintain, and operate a certain transmission line, or lines, described in said application for the purpose of transmitting electric power, does hereby, in consideration of and as a prerequisite to the approval of the said application and the granting of the permit applied for, stipulate and agree as follows, to wit:

ARTICLE 1. To construct its transmission line or lines on the location shown upon the maps, specifically described in its final application for permit, filed with the district forester at _____, on the _____ day of _____, 19__, which said maps are hereby made a part of this stipulation, and to make no material deviation from said locations until maps showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be approved which will interfere with the occupancy and use of National Forest lands under existing permits, or conflict with prior rights under pending applications.

ART. 2. To file within six (6) months after the completion of the transmission line or lines, as required in article 3 hereof, in the manner prescribed for original maps of location, maps showing the final location of each line or lines as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof.

ART. 3. To begin the construction of the aforesaid line or lines within a period of _____ months from the date of the permit for which application has been made, and to complete the construction of said line or lines within the period of _____ months from said date.

ART. 4. That except when prevented by the act of God or by the public enemy or by unavoidable accident or contingency, the permittee will, after the beginning of operation, continuously operate for the furnishing or transmitting of electric power the transmission line or lines constructed, maintained, and operated in whole or in part under the aforesaid permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived with the written consent of the Secretary.

ART. 5. To pay to the _____ National Bank of _____ (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States a charge annually in advance during the decade beginning January 1, 19__, of _____ dollars ($_____), being at the approximate rate of five dollars ($5) per mile per annum, and during each succeeding decade an annual charge at such reasonable rate per mile as the Secretary may fix at the beginning of each such decade.

ART. 6. On demand of the Secretary to install at such places and to maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over the transmission line or lines under permit, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

ART. 7. That the books and records of the permittee, in so far as they contain information concerning the power transmission line or lines under permit, or the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

ART. 8. On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power transmis-

sion line or lines under permit, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however*, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

ART. 9. To protect all Government and other telephone, telegraph, and power transmission lines at the crossing of and at all places of proximity to the permittee's transmission line or lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the transmission line or lines in such a manner as not to menace life or property.

ART. 10. To clear and keep clear National Forest lands along the transmission line or lines for such width and in such a manner as the Forest officers may direct.

ART. 11. To dispose to the satisfaction of the forest officers of all brush, refuse, or unusued timber on National Forest lands resulting from the construction, maintenance, and operation of the transmission line or lines under permit.

ART. 12. To do everything reasonably within the power of the permittee, both independently and on request of the forest officers, to prevent and suppress fires on or near the lands occupied.

ART. 13. To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the transmission line or lines under permit.

ART. 14. To idemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the permittee.

ART. 15. To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided*, That nothing in this clause shall be construed to require the permittee to increase permanent works or to install additional generating machinery.

ART. 16. To abide by such reasonable regulation of the service rendered and to be rendered by the permittee in the furnishing or transmitting of power and of rates of payment therefor as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 17. That the line or lines to be constructed, maintained, and operated under the permit shall not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy.

ART. 18. That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the permittee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the permit applied for, or for the occupancy and use of National Forest lands granted thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, or compensation whatsoever.

In witness whereof, the permittee has executed this stipulation on the_____ day of_____, 191__

_____

[SEAL.] By _____

Attest:

_____,

Secretary.

Form 69.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

_____ Uses.
(Forest.)

_____
(Name of applicant.)

_____ _____
(Use applied for.) (Date of application.)

STIPULATIONS, TELEPHONE, TELEGRAPH, POWER-TRANSMISSION LINES.

(Act of Mar. 4, 1911.)

Whereas the _____ right of way applied for by _____ (hereinafter called "the grantee") under the provisions of the act of March 4, 1911 (36 Stat., 1253), is within the _____ National Forest, as shown by certain maps executed by _____ on the _____ day of _____, 19__, and filed in the office of the district forester at _____ State of _____ _____ on _____, 19__; and

Whereas the regulations of the Secretary of Agriculture (hereinafter called "the Secretary"), under the above-named act of Congress, concerning rights of way for telephone, telegraph, and power-transmission lines, provide that whenever such rights of way are located upon National Forests, the grantee shall enter into such stipulations as the Secretary may require; and

Whereas the Secretary requires that the grantee shall enter into the stipulations hereinafter set forth;

Now, therefore, in consideration of the grant of the right of way applied for, the grantee__ do__ hereby stipulate and agree, and do__ bind himself, his heirs, executors, administrators, and assigns, and each of them, jointly and severally (themselves, their heirs, executors, administrators, and assigns, and each of them, jointly and severally) (itself, its successors and assigns), as follows, to wit:

ARTICLE 1. To construct its _____ line or lines on the location shown upon the maps, hereinbefore referred to, which said maps are hereby made a part of this stipulation, and to make no material deviation from said locations until maps showing such deviation shall have been filed with the district forester and approved by the Secretary; and no deviation or amendment will be approved which will interfere with the occupancy and use of National Forest lands under existing permits or grants under any of the right-of-way acts, or conflict with prior rights under pending applications.

ART. 2. To file within six (6) months after the completion of the _____ _____ line or lines as required in article 3 hereof, in the manner prescribed for original maps of location, map showing the final location of the line or lines as constructed, if such final location varies from that shown upon maps originally filed or upon approved amendments thereof.

ART. 3. To complete the construction of the aforesaid line or lines within a period of _____ years from the date of the grant for which application has been made.

ART. 4. That except when prevented by the act of God or by the public enemy or by unavoidable accidents or contingencies, the grantee will, after the beginning of operation, continuously operate (for the furnishing or transmitting of electric power the transmission) (for the transmission of communications the telephone, telegraph) line or lines constructed, maintained, and operated in whole or in part under grant, unless upon a full and satisfactory showing of the reasons therefor, this requirement shall be temporarily waived with the written consent of the Secretary.

ART. 5. To pay to the _____ National Bank of _____ (United States depository), or such other Government depository or officer as may hereafter be legally designated, to be placed to the credit of the United States a charge annually in advance during the decade beginning January 1, 19__, of _____ dollars ($_____), being at the approximate rate of five dollars ($5) per mile per annum, and during each succeeding decade an annual charge at such rea-

sonable rate per mile as the Secretary may fix at the beginning of each such decade.

ART. 6. On demand of the Secretary to install at such places and to maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over the transmission line or lines under grant, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such records of measurements for the year ending on December 31 preceding, made by or in the possession of the grantee, as may be required by the Secretary.

ART. 7. That the books and records of the grantee, in so far as they contain information concerning the _____ line or lines under permit, or the business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary or other officer or agent of the United States duly authorized to make such inspection and examination.

ART. 8. On demand of the Secretary to maintain a system of accounting of the entire power business conducted in connection with the power-transmission line or lines under grant, in such form as the Secretary may prescribe or approve, and to render annually such reports of the power business as the Secretary may direct: *Provided, however,* That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted as fulfilling the requirements of this article.

ART. 9. To protect all Government and other telephone, telegraph, and power-transmission lines at the crossing of and at all places of proximity to the grantee's _____ line or lines in a workmanlike manner, according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain the _____ _____ line or lines in such a manner as not to menace life or property.

ART. 10. To clear and keep clear National Forest lands along the _____ _____ line or lines for such width and in such a manner as the forest officers may direct.

ART. 11. To dispose to the satisfaction of the forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction, maintenance, and operation of the _____ line or lines under grant.

ART. 12. To do everything reasonably within the power of the grantee, both independently and on request of the forest officers, to prevent and suppress fires on or near the lands occupied.

ART. 13. To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the _____ line or lines under grant.

ART. 14. To indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands by the grantee.

ART. 15. To sell power to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the grantee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: *Provided,* That nothing in this clause shall be construed to require the grantee to increase permanent works or to install additional generating machinery.

ART. 16. To abide by such reasonable regulation or the service rendered and to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or any duly constituted agency of the State in which the service is rendered.

ART. 17. That the _____ line or lines to be constructed, maintained, and operated under grant will not be owned, leased, trusteed, possessed, or controlled by any device or in any manner so that they

form part of or in any way effect any combination in the form of an unlawful trust; or form the subject of any unlawful contract or conspiracy to limit the output of electric energy; or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State in the generation, sale, or distribution of electric energy, or in the transmission of communications by telephone or telegraph.

ART. 18. That in respect to the regulation by any competent public authority of the service to be rendered by the grantee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the grantee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the grant applied for, or for the occupancy and use of National Forest lands granted thereunder, nor shall such grant or such occupancy and use ever be estimated or considered as property upon which the grantee shall be entitled to earn or receive any return, income, or compensation whatsoever.

ART. 19. That upon breach by the grantee of any of the terms or conditions set forth in this stipulation or in the grant, the United States may enforce appropriate remedy therefor by suit for specific performance, injunction, action for damages, or otherwise; and that if any such breach shall be continued or repeated after thirty (30) days' notice thereof, given to the grantee by the Secretary, the right of way granted, together with all rights thereunder and all rental charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.

(Insert here any additional stipulations proposed in accordance with Reg. L–24.)

In witness whereof, the grantee has executed this stipulation on the _____ day of _____, 19__.

_____

(SEAL.) By _____

Attest:

_____,

Secretary.

PROCEDURE.

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C.

The following procedure and instructions are hereby established and issued to take effect February 24, 1913, governing the enforcement of the regulations of the Secretary of Agriculture relating to power projects and to telephone, telegraph, and power-transmission lines within the National Forests.

HENRY S. GRAVES,
Forester.

Approved February 24, 1913.
JAMES WILSON, *Secretary.*

GENERAL INSTRUCTIONS.

All applications for the occupancy and use of National Forest lands for the purpose of developing power will be filed with the district forester of the district in which the power is to be developed.

Applications for the occupancy and use of public lands outside the National Forests will also be filed with the district forester, but the applicant will be required to file with the local land office of the land district in which such lands are situated such maps and papers and such copies thereof as are required by the regulations of the Department of the Interior. Applications filed in error in the Forester's or supervisor's office will be forwarded to the district forester concerned.

PRELIMINARY APPLICATIONS AND PERMITS.

If an applicant desires to secure priority for his application during a time sufficient for the preparation of the maps, plans, and other data required to be filed with an application for a final power permit, he may do so by filing an application for preliminary permit. (See Reg. L–10 and Form 58.)

The preliminary permit will be granted for a definite limited period, which will vary according to the circumstances of the particular case, and will be only long enough to give a reasonable time for the preparation of a final application as prescribed in the regulations.

In general, such period will not exceed two years. If a longer time than this is applied for and approved in any case, a special report will be made by the district engineer showing the necessity for the longer period, which report will be submitted with the other papers in the case.

Whenever the time prescribed by the State statutes within which construction must begin in order to maintain water rights is insufficient to enable the applicant to prepare a final application before beginning construction, a clause may be inserted in the preliminary permit allowing construction to proceed to an extent sufficient to permit compliance with the State law. Only in exceptional cases will a clause be inserted allowing construction in advance of final application and permit for any other reason than to permit compliance with the State law, and when inserted for any other reason the necessity for it must be fully explained in the recommendation of the district forester.

No extension will be granted except upon the written approval of the Secretary of Agriculture after a satisfactory showing by the permittee of the reasons for such extension, and after a report has been submitted by the district forester.

To prevent speculative holding of sites under preliminary permits and to secure the presentation of the final application within the time named in the preliminary permit, an annual charge will be made during the term of the preliminary permit. The charge will be calculated on the basis of the estimated rental capacity of the power site to be occupied and at the rates prescribed in Regulation L–8. If the final application is filed in accordance with the terms of the preliminary permit, and if construction is completed and operation is begun in accordance with the terms of the final permit, the payments made under the preliminary permit will be credited upon payments due or to become due after the beginning of operation under the final permit.

The lines shown on the maps accompanying the final application will not be required to follow without change the lines as shown on the map accompanying the preliminary application, and the position and arrangement of conduits and power houses as shown upon the map accompanying the preliminary application may be changed, if the detailed surveys preceding the final application show such change to be desirable; but priority from the date of filing of the preliminary application will be allowed for only so much of the projects shown in the application for final power permit as is within the approximate limits of diversion and discharge as shown in the application for the preliminary power permit. (Reg. L–3.)

Upon the failure of the permittee to comply with the terms of a preliminary permit the district forester will write him a letter calling his attention to the violation of the terms and notify him that by reason thereof the permit expired on a given date and the priority acquired thereby was lost. Copies of this letter of notification should be sent to the supervisor and to the Forester. If a preliminary permit is thus terminated, no other application for a permit either preliminary or final covering the same or adjacent lands will be received from the same applicant for a period of one year subsequent to the termination of the preliminary permit.

The date upon which priority of application is established shall be the date of the filing in the office of the district forester of the last map or paper necessary to constitute a complete application as required by Regulation L–10. The date and hour of the receipt of a preliminary application will be inserted in the space provided on the form (Form 58a) and will be certified by the signature of the district forester. Upon the receipt of preliminary appli-

cations, with their accompanying maps and papers, the district engineer will examine them in the order of their receipt, as certified by the district forester, with a view of determining whether the application is complete as required by the regulations. If complete, the district engineer will certify the fact in the space provided on the form. If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application and its accompanying papers, with a detailed statement of the incompleteness or insufficiency. A carbon copy of this letter certified by the signature of the district engineer will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received. Upon the receipt of the amended papers the district engineer will examine them, and if found complete as required by the regulation he will certify the fact in the space provided on the form.

After certifying that the application is complete, as prescribed by the regulation, the district engineer will examine the maps and estimates, using such additional data as he may be able to secure, will determine the approximate rental capacity of the power site, and will submit a report and recommendations to the district forester. A field examination by the district engineer will be made only when it is necessary in order to secure sufficient information on which to base the report and recommendations.

Upon receiving the district engineer's report, the district forester will prepare five copies of permit on Form 59. If the application is approved by the district forester and the district engineer, they will initial the permit. The district forester will send the chief engineer a copy of the complete application, the original map on tracing linen, one print copy, one copy of the district engineer's report, the original, and one copy of the permit, and the correspondence file. The district forester will also send the supervisor a print copy of the map.

The chief engineer will examine all the papers received from the district forester and, if he approves the application, the recommendations of the district forester and the district engineer's report, he will initial the original permit and return it with the original map on tracing linen and the correspondence file to the district forester. If he does not approve either the application, or the report, or the recommendations, he will return the original permit without initial and with a letter to the district forester explaining in detail his reasons for not approving.

Upon the return of the permit from the chief engineer, if approved, the district forester will, except as hereinafter provided, prepare a letter of transmittal (Form 861) in triplicate, stating the amount of the charge, and will accompany it by a letter informing the applicant that priority will be lost unless payment is received within 60 days of the date of the letter. The original will be sent to the applicant, and upon receipt of notice from the district fiscal agent that deposit has been made the district forester will forward to the Forester on print copy of the map, one copy of the report of the district engineer, the original, and one copy of the permit, and the correspondence file.

When the original permit has been signed by the Secretary, the Forester will return it, together with the correspondence file, to the district forester.

Before transmitting the original permit to the permittee the district forester will inform the chief engineer by letter of the dates of signing and the signature on the permit. He will also send the supervisor a copy of the permit, a copy of the complete application (except the papers required under Reg. L–9), a copy of the report of the district engineer, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the receipt of the first payment.

When the application includes, in addition to National Forest lands, lands under the jurisdiction of the Interior Department, the district forester shall, upon the completion of the application, immediately inform the local land office of such completion and of the date of priority and shall send a carbon copy of such letter to the applicant. The date so notified will be taken as the date of priority before both the Department of Agriculture and the Department of the Interior.

In preparing reports upon applications including both National Forest lands and Interior Department lands the district engineer will calculate the total capacity of the power site and the rental capacity of the National Forest lands, leaving to the Geological Survey the computation of charges for the Interior Department lands. The district forester will then submit the case to the chief engineer, including, in addition to the papers usually required for both the chief engineer and the Forester, one copy each of the permit and of the district engineer's report.

The chief engineer will examine the papers received from the district forester, and, if he approves the application, report, and recommendations, will initial the original of the permit, and after retaining the papers required for his own file will submit the remainder directly to the Forester.

Upon the receipt of the papers the Forester will forward to the Geological Survey the extra copy of the permit and of the district engineer's report, together with a statement of the recommendations which the Forest Service proposes to make. If the Geological Survey approves the calculations of the district engineer and the terms of the permit, as applied to the Interior Department lands involved, the Forester will so inform the district forester, who will thereupon prepare and submit the letter of transmittal (Form 861) to the applicant for the advance charge for the use of National Forest lands only. Thereafter the case will be handled by the Forest Service as if only National Forest lands were involved.

If the Geological Survey should not approve the calculations and recommendations if applied to the Interior Department lands, and it should seem advisable to make alterations or corrections in either the permit or the report as applied to the National Forest lands, the Forester will return the papers through the office of the chief engineer to the district forester, with a statement of the corrections or alterations desired. When such changes have been made the district forester will prepare the letter of transmittal and handle the case as before.

FINAL APPLICATIONS AND PERMITS.

If, in accordance with the terms of a preliminary permit, a final application is filed in the form prescribed by Reg. L–11, such final application shall, with reference to priority, relate back and be effective as of the date of the preliminary application. The date upon which priority of application is either maintained in accordance with a preliminary permit or established by final application in the absence of a preliminary permit shall be the date of the filing in the office of the district forester of the last map or paper necessary to constitute a complete application as prescribed in the regulation. The date and hour of the receipt of an application will be inserted in the space provided on Form 58a, and will be certified by the signature of the district forester. Applications will be examined by the district engineer in the order of their receipt as certified by the district forester. The application and its accompanying papers, especially the plans of project works and the estimates and data, will be carefully examined with a view to determine whether they are in complete and proper form and contain all the information required by the regulation. If complete, the district engineer will certify to the fact in the space provided on the form.

If any of the papers required by the regulation are incomplete or insufficient or if there have been any omissions the district engineer will prepare for the signature of the district forester a letter to the applicant explaining the incompleteness or insufficiency or omissions, and returning for completion or correction any papers which are not in proper form. A carbon copy of this letter certified by the signature of the district engineer will be attached to and filed with the papers in the case. Upon the receipt of the amended or additional papers the date and hour of such receipt will be certified by the district forester in the same manner as when they were originally received. They will be reexamined by the district engineer and if found complete, as required by the regulation, he will certify the fact in the space provided on the form.

Upon the receipt of a final application for the use of an area which is in whole or in part included in an existing final permit previously issued, the district forester will return the application to the applicant and will inform him fully of the existing permit and of the extent to which his application is in conflict therewith. The applicant may then amend his application to avoid such conflict or may renew his application should the priority of application be lost by the prior applicant. If the final application is an original filing or is filed in accordance with the terms of a subordinate preliminary permit and such filing is made before the filing of final application by a prior preliminary permittee the district forester will retain the application, but will suspend action thereon until after the filing of final application by the prior preliminary permittee or until after the termination of the preliminary permit. When the prior permittee has filed final application, if it is found that the application first in time is in conflict with the application first in right the district forester will return the former to the applicant and will inform him fully of the extent to which his application is in conflict with that of the prior permittee. The first-named applicant may then amend his application to avoid such conflict or may renew his appli-

cation should the priority of application be lost by the other applicant. (See Reg. L–3.)

When the district engineer has certified that the application is complete as required by the regulation the district forester, after making such additional prints of maps and plans as may be necessary, will forward to the forest supervisor two prints of the maps of location, a copy of the notes of survey, and such other papers as may be necessary. If the application was not accompanied by a certificate from the supervising engineer of the Reclamation Service that the occupancy and use of the lands applied for will not interfere with any project of the Reclamation Service, the district forester will forward a print of the general map of location (see Reg. L–11, (G), (5)) to the supervising engineer concerned and request him to state whether the occupancy of the land for power purposes will interfere with any project of the Reclamation Service.

Upon the receipt of the maps and other papers the supervisor will forward a print of the maps of location to the ranger, will cause an immediate examination to be made for the purpose of estimating the amount of timber to be cut or destroyed, and will report to the district forester on Form 578b. Reports on Form 964 will be required in power cases only where no examination and report by a district engineer will be made.

Upon the receipt of a complete application the district engineer will make such field examination of the project as may be necessary and will collect all information and data bearing upon the case that may be available. If practicable, this examination will be made at the same time as the supervisor's. Only in exceptional instances when the district engineer is thoroughly familiar with the project will the field examination be omitted. In this examination the district engineer will determine whether in his judgment the project as applied for will make a reasonably full development of the power available at the sites covered by the application.

After the completion of the examination and the collection of the data the district engineer will submit a report to the district forester. The report will describe the project in detail, with its relation to other projects of the same or allied or competing companies; state whether the project comprehends a full development of the available power; describe the market for the power and the general market conditions in the district, so far as such information is available, and the relation of the power development to other interests, particularly irrigation. The report should present detailed estimates of the amount of power that will probably be developed and the complete data upon which such estimates are based. The report should designate the several items necessary for filling the blanks of the stipulation and permit, a recommendation of the total power capacity to be inserted in the stipulation, and such other recommendations as may seem desirable. The report should be complete with respect to the history of the case and its connection with other cases, and to all pertinent, general, and special information, so that a full understanding of the case may be had and action taken without the necessity of referring to other papers except for purposes of verification. The report should also contain such sketch maps, topographic quadrangles, photographs, etc., as will be of assistance in giving a full understanding of the case. All the data filed with the application and all other

data collected which have a bearing upon the case and upon the computation of capacities should be collated in tabular form in the report. This instruction should be rigidly adhered to, since it will be extremely important at the 10-year revision period to have in their original form the exact and complete data upon which the original calculations are based. If the chief engineer in reviewing the report of the district engineer makes alterations or corrections, or reaches different conclusions with respect to power capacity or otherwise, the report of the district engineer should be corrected accordingly before the case is submitted to the Forester; but if the district engineer, upon a reexamination of the case, disagrees with the changes made by the chief engineer, he may so state in his report, giving the reasons therefor, and he will not, to such extent, be considered responsible for the report.

Under Regulation L–7 the term "construction of the works" excludes all such preliminary work as surveys, road and trail building, clearing of land, etc. It will therefore be necessary, in inserting the lengths of periods in article 4 of the stipulation, to allow a time before construction must begin reasonably sufficient for the completion of all necessary preliminary work. It will be advisable, in general, to confer with the applicant before fixing the time limits, with the view of agreeing upon such limits as will be satisfactory to the applicant while at the same time properly protecting the public interests.

Articles 4 and 5 of the power stipulation have been drawn for the purpose of allowing permittees to make progressive developments of two or more power projects upon the same stream or watershed if they so desire. Each division of the works as taken in these clauses should in general constitute a complete operating unit or power project. But where, for example, it may be the applicant's intention to construct several storage reservoirs not directly connected with the water conduits, each reservoir may be, and in general should be, taken as a distinct divison of the works. Water conduits and the diverting dams and power houses connected therewith should never be separated.

Particular care should be exercised in the determination of the total capacity of the power site. All the available data should be secured, and where storage is to be used some graphical method, as that of Rippl or Hill, should be employed. (See Mead's Water Power Engineering.) The district engineer should review carefully the estimates presented by the applicant and compare the same with his own independent estimates.

From the fact that probably in many instances the data for the original calculations will be meager, provision is made in Regulation L–8 for a redetermination of the power capacity by 10-year intervals to admit of utilizing more complete data and to allow for possible change of conditions.

Upon receiving the district engineer's report the district forester will prepare five copies of the stipulation on Form 61 and five copies of the permit on Form 62. If the application is approved by the district engineer and the district forester, they will initial the file copies of the stipulation and the permit. The district forester will send the chief engineer a copy of the complete application, one copy of the district engineer's report, the original maps and plans on tracing

linen, with one print copy of each, the correspondence file, the letter from the supervising engineer of the Reclamation Service and the original, and one copy of the stipulation and of the permit.

If, because of field conditions or other reasons, the supervisor has been unable to make his report on timber (Form 578b) by the time the other papers are ready for transmittal, the case should not be delayed on that account but be forwarded immediately, and the Form 578b submitted later.

The chief engineer will examine the papers received from the district forester, together with the matter submitted in the application. He will return to the district forester the original maps and plans on tracing linen, the correspondence file, the letter of the supervising engineer of the Reclamation Service, and the original copies of the stipulation and the permit. If he concurs in the recommendations of the district forester and the district engineer, he will initial the original copies of the stipulation and the permit. If he does not concur, he will return them without his initial and with a letter to the district forester explaining his reasons for not concurring.

The district forester will send the applicant two copies of the stipulation, and, when necessary, a form (319) for corporate officer's authority, with the request that one copy of the stipulation be duly executed and returned to him. He will also send with the stipulation a statement on Form 861 of the amount of the first year's rental charge and will by letter inform the applicant that any priority established under his application will be lost if the rental charges are not paid and the stipulation is not executed and returned within 90 days from the date of the letter accompanying it, unless such time is extended by the written authority of the Secretary of Agriculture.

After the duly executed stipulation has been returned and has been initialed by the assistant to the solicitor, and after notice of payment is received the district forester will submit to the Forester one copy of the complete application, one copy of the report of the district engineer, the original and one copy of the stipulation, the original and one copy of the permit, the correspondence file, and the letter of the supervising engineer of the United States Reclamation Service.

If any material changes are made in the stipulation and permit after they have been returned to the district forester by the chief enginer, all papers in the case will be resubmitted to the chief engineer before being finally submitted by the district forester to the Forester.

Upon receipt of the complete papers in the case the Forester will submit them with his recommendations to the Secretary of Agriculture. When the permit has been signed by the Secretary the Forester will retain one copy of the permit, one copy of the stipulation, the district engineer's report, and one print of the general map of location (see Reg. L–11 (G), (5)) and will return all the other papers in the case, including the signed original permit, to the district forester.

Upon transmitting the original permit to the permittee the district forester will inform the chief engineer by letter of the dates of signing and the signatures on the stipulation and permit. He will also send the supervisor a copy of the complete application (except the papers required by Regulation L–9, and except the print map of location and the copy of the field notes which have been previ-

ously sent), a copy of the report of the district engineer, one copy of the stipulation, one copy of the permit, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the payments made.

If the final application involves both National Forest and Interior Department lands, the case will be handled in a manner similar to that outlined for preliminary applications (see p. 53).

All recommendations by the district forester for cancellation of permit, either in whole or in part, and all recommendations for approval or disapproval of applications for extension of time, either for beginning or completing construction, shall be accompanied by a report setting forth in detail the reasons for such recommendations, and shall be submitted to the Forester through the chief engineer. Whenever engineering difficulties are involved the district engineer shall make such examination as is necessary, and shall prepare a report to accompany the recommendations of the district forester.

On November 15 of each year the district forester will prepare and send by registered mail to each permittee a statement of account (Form 64). This statement will show the amount of the charge for the succeeding calendar year, and the credit, if any, on account of previous payments. If a balance is due from the permittee the statement will be accompanied by a letter of transmittal (Form 861). The district forester will retain two carbons of the statements and the Form 861, and will file them, together with the registry receipt, with the other papers in the case. Upon the receipt from the district fiscal agent of the notice of payment the date of such payment should be indorsed upon the file copies of the Form 861. The original Form 861, with the customary indorsement thereon of payment, will be sent to the permittee, and one copy of the statement and of the Form 861 will be sent to the supervisor for his files.

If the works are completed and operation begun at or prior to the time specified in the stipulation, the minimum rate of 10 cents per horsepower per annum will apply from such date proportionately to the fractional part of the calendar year succeeding such date, and also to the following full calendar year, and the rate will be increased each year by 10 cents per horsepower until the rate of $1 is reached, and will then remain at that rate until the expiration of the permit. All payments made previous to the beginning of operation will be applied on payments due or to become due at and after that time.

In order that the district forester may know whether the terms of the stipulation and permit are being complied with, the supervisor should keep himself fully informed of the progress of the work. He shall immediately upon the date specified in the stipulation upon which construction should begin make an examination and report to the district forester whether the construction has begun. The supervisor should ascertain from time to time thereafter whether the works are being constructed with due diligence and in substantial agreement with the maps and plans, and in case of doubt should call for an examination by the district engineer. He shall also immediately on the date specified in the stipulation upon which operation should begin make an examination and report to the district forester whether such operation has begun.

In order that the district forester may be informed of the power situation in the whole district the supervisors will forward from time to time whatever information they are able to collect, formally or informally, concerning costs of generation of power, the returns from its sale, the interrelations of the various companies, transfers of rights, water locations, etc. The date and source of all such information should be given with the supervisor's opinion of its reliability.

SEMICOMMERCIAL POWER PROJECTS.

Power projects of a semicommercial nature will be regarded as commercial except in so far as a satisfactory showing of partial noncommercial use may be made to the district forester by the permittee.

The application, procedure, and rental charges will be the same as for commercial power projects except that the charge will be based upon the rental capacity of the power site after a proper credit has been given for the amount of power used for noncommercial purposes. (See Reg. L–8.) The credit so given will be such proportion of the preceding year's schedule charge (before any credits have been applied thereto) as the amount of power used for noncommercial purposes during the preceding year bears to the total amount of power developed during such year. The amount of the credit will be determined from statements submitted to the district forester by the permittee, or, if necessary, from an examination of the permittee's books (see Reg. L–14 (G), (H)), or from an investigation by the district engineer.

The data for determining the credit will be obtained each year by November 15, in order that the district forester may be prepared to send to the permittee at that time a statement of account, accompanied by a letter of transmittal (Form 861), if a balance is due from the permittee. In arriving at the deduction to be made for any year, data shall be used for the 12 months next preceding the date of determination.

APPLICATION AND PERMIT FOR POWER PROJECTS OF 100 HORSEPOWER TOTAL CAPACITY OR LESS.

Permits for the occupancy and use of power sites having a total capacity of 100 horsepower or less will be issued by the district forester. (Reg. L–1.) No charge will be made for such permits.

Applications in writing will be filed with the district forester and must conform to the requirements of Regulation L–12.

When the application is received the district forester will indorse thereon the date of its receipt. The application will be examined by the district engineer to determine whether it conforms to the requirements of the regulation and whether the total capacity of the site is 100 horsepower or less. If the capacity is found to be in excess of 100 horsepower the application will be returned and the applicant informed that an application in the form prescribed by Regulation L–10 or L–11 will be required. If the application is complete and the total capacity is 100 horsepower or less the district forester will send the supervisor two print maps of location and a copy of the notes of survey and such other papers as may be

necessary. If the application is not accompanied by a certificate from the supervising engineer of the Reclamation Service that the proposed works will not interfere with any project of the Reclamation Service the district forester will secure the certificate before issuing the permit.

The supervisor will cause such field examination to be made as may be necessary and will submit a special-use report (Form 964), accompanied when necessary by a report on timber to be cut or destroyed (Form 578b), to the district forester.

A field examination by the district engineer will be made only when necessary in the judgment of the supervisor or the district forester.

When the application is approved the district forester will prepare a permit on Form 832, in which will be inserted: Such items of Regulation L–14 as are suited to the conditions of the case.

The district forester will prepare an original and four copies of the permit. He will send the original to the permittee, one copy to the supervisor, one to the Forester, one to the chief engineer, and will retain one for his own files. The district forester will also send the Forester and the chief engineer a print copy of the map of location.

Whenever applications involve both National Forest and Interior Department lands, the district forester will handle the application in a manner similar to that prescribed for preliminary permit when involving both National Forest and Interior Department lands. (See p. 53.)

TRANSMISSION LINE APPLICATIONS AND PERMITS, ACT OF FEBRUARY 15, 1901 (31 STAT., 790).

All permits for transmission lines, except such as are a part of a general power project covered by a power permit, or are brought under such permit by an amendment thereof and for which application is made under the act of February 15, 1901 (31 Stat., 790), will be issued by the Forester.

When a transmission line is to be used in connection with a power project already under permit and the application therefor is filed subsequently to the issuance of the general power permit, a separate permit will not be issued for the transmission line, but its construction will be authorized by an amendment of the general power permit, after the execution by the applicant of an amendment to the original stipulation. Such amendatory permits, as well as permits for transmission lines for temporary construction purposes, and permits to municipalities for municipal purposes will be issued without charge. In all other cases, unless otherwise ordered by the Secretary, a charge will be made of $5 per annum for each mile or fraction thereof of National Forest land crossed by such lines.

Applications for such transmission line permits will be filed with the district forester and will, in addition to the papers required under Regulation L–9, consist of tracings and field notes of survey, both in the form and with affidavits and certificates required for such lines when a part of a final power application. (See Reg. L–11.)

On the receipt of applications for transmission line permits, the district engineer will examine them in the order of their receipt

as certified by the district forester, with a view of determining whether the applications are complete as required by the regulations. If complete, the district engineer will certify to the fact in the space provided on the form (Form 58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of incompleteness or insufficiency. A carbon copy of this letter, certified by the initial of the district engineer, will be attached to and filed with the papers in the case.

Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received.

No application for a preliminary permit for a power transmission line, except in connection with a general power project to be covered by a power permit, will be accepted, but only an application for a final permit as prescribed in the regulations. (See Reg. L–11.)

Upon the completion of the application the district forester will forward to the supervisor a copy of the application, together with two prints of the maps. Upon the receipt of the maps and other papers the supervisor will forward a print of the maps to the ranger, will cause an immediate examination to be made for the purpose of estimating the amount of timber to be cut or destroyed, and will report to the district forester on Forms 964 and 578b. If the report on Form 578b can not be made immediately, the report on Form 964 should be submitted at once, in order that the issuance of the permit may not be delayed by the inability of the supervisor or the ranger to make an immediate examination and report upon the amount of timber to be cut or destroyed.

Upon receiving the supervisor's report the district forester will prepare five copies of the permit on Form 63. The file copy will be initialed by the district engineer and the district forester. The district forester will then send the applicant a statement on Form 861 of the amount of the first year's rental charge, and will by letter inform him that any priority established under his application will be lost if the rental charges are not paid within 90 days from the date of the letter accompanying the statement, unless such time is extended by the written authority of the Secretary of Agriculture.

Upon the receipt of notification from the district fiscal agent that the payment has been made the district forester will send the original of the Form 861 to the applicant and will send to the chief engineer two copies of the complete application, two prints of the map of location, three copies of the permit, including the original and file copy and the correspondence file.

The chief engineer, if he approves the application and the form of permit, will initial the file copy, and after retaining one copy of the application and one print of the maps of location for his files will forward the remaining papers to the Forester.

Upon the receipt of the papers the Forester will, if he approves the application and the form of permit, sign the original. The original and file copy of the permit and all the other papers, except a print of the maps of location, will then be returned to the district forester.

Upon the receipt of the papers from the Forester the district forester will forward to the permittee the original permit, will inform

the chief engineer by letter of the fact and date of the signature of the permit, and will send one copy of the permit to the supervisor, together with a copy of the Form 861.

If the application involves both National Forest and Interior Department lands, the case will be handled in a manner similar to that outlined for preliminary applications. (See p. 53.)

TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES, ACT OF MARCH 4, 1911 (36 STAT., 1253).

Applications for telephone, telegraph, and power-transmission lines, under the act of March 4, 1911, will be filed with the district forester and will conform to the requirements of applications for power-transmission lines under the act of February 15, 1901, as set forth in Reg. L–9 and Reg. L–11, except that two original tracings will be required.

On the receipt of applications for right of way grants the district engineer will examine them in the order of their receipt as certified by the district forester, with a view of determining whether the applications are complete as required by the regulations. If complete, the district engineer will certify to the fact in the space provided on the form (Form 58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of the incompleteness or insufficiency. A carbon copy of this letter, certified by the initial of the district engineer, will be attached to and filed with the papers in the case. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received.

Upon the completion of the application the district forester will forward to the supervisor a copy of the application, together with two prints of the maps. Upon the receipt of the maps and other papers the supervisor will forward a print of the maps to the ranger.

Upon receiving the supervisor's report the district forester will prepare five copies of the stipulation on Form 69. The file copy will be initialed by the district engineer and the district forester. If the application is for a power-transmission line, the district forester will send to the applicant with the stipulation a statement on Form 861 of the amount of the first year's rental charge, and will by letter inform him that any priority established under his application will be lost if the stipulation is not executed and returned and the rental charges paid within 90 days from the date of the letter accompanying the statement, unless such time is extended by the written authority of the Secretary of Agriculture.

If the application is for a telephone or telegraph line, the district forester will, in preparing the stipulation, add such special conditions as may be necessary in order to secure such facilities for forest officers or such use of the lines and poles of the applicant as may be necessary or convenient in the conduct of National Forest business or as may aid in the protection of the National Forests. In the letter transmitting the stipulations for the signature of the applicant the district forester shall inform him that any priority established under his application will be lost if the stipulation is not executed and returned

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